

EXHIBIT 6D
Summary Judgment Response

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD CADOURA,)	
)	Case No. 20-cv-12986
PLAINTIFF,)	Hon. Gershwin A. Drain
)	Magistrate Judge Anthony P. Patti
VS.)	
)	
THE CITY OF DETROIT,)	
)	
DEFENDANT.)	
)	
)	
)	
)	

PLAINTIFF’S RESPONSE TO DEFENDANT’S MOTION FOR SUMMARY
JUDGMENT

NOW COMES, Plaintiff, RICHARD CADOURA, by and through his attorneys, Carla D. Aikens, P.L.C., and for his Response to Defendant’s Motion for Summary Judgment, states as follows:

1. Plaintiff admits that his Complaint brings claims of discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964, as well as a retaliation claim under the Elliot Larsen Civil Rights Act (ELCRA).(ECF No. 1)
2. Admitted. Plaintiff’s Complaint speaks for itself. (ECF No. 1).
3. Denied. Plaintiff can establish a prima facie case of retaliation in violation of both Title VII and ELCRA.
4. Neither admitted nor denied but leave Defendant to its proofs.

WHEREFORE Plaintiff, Richard Cadoura, respectfully requests that this Honorable Court deny Defendant's Motion for Summary Judgment in its entirety and grant such other relief as deemed necessary and appropriate in the Court's discretion.

Dated: February 17, 2023

Respectfully Submitted,

/s/ Austen J. Shearouse
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD CADOURA,)	
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PLAINTIFF,)	Hon. Gershwin A. Drain
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BREIF IN SUPPORT OF PLAINTIFF'S RESPONSE TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT

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INTRODUCTION

Plaintiff, Richard Cadoura brought this Complaint on November 5, 2020, against Defendant City of Detroit (hereinafter referred to as “Detroit” or “Defendant”) for claims of retaliation in violation of both Title VII and ELCRA when he was offered a position, accepted it, and then had his job offer revoked before he could start working. Defendant has filed two motions for judgment on the pleadings (ECF No. 5 and ECF No. 16), which this Honorable Court has denied. Discovery has closed on this matter and Defendant then brought this instant motion seeking dismissal of Plaintiff’s claims pursuant to Fed. R. Civ. P. 56.

STATEMENT OF FACTS

Plaintiff began serving as an EMT and paramedic for the Detroit Fire Department in 1999, a job he held for fifteen years because of his love for what he did. (Exhibit A: Dep. of Richard Cadoura at 48-49) (Exhibit B: Dep. of Joseph Barney III at 36).¹ Mr. Cadoura was known to be a good EMT/paramedic as confirmed by Joseph Barney III, a 29-year servant for the City of Detroit.² *Id.* at 43. As Mr. Barney stated:

¹ “This is a man that was fighting hard to improve the lot for everybody at EMS...” Exhibit B at 36.

² Mr. Barney has held positions as an EMT, paramedic, assistant superintendent, Captain of the Training Academy for EMS, and a Shift Captain. See Exhibit B at 9-10.

So at the end of the day, I thought, you know, this guy never hurt anybody that I know of. Most of his discipline was based against management that was adversarial and I don't recall any patient care complaints and he treated citizens well. So I didn't see a problem with bringing him back and that's what I told Chief Burch.

Id. at 37.

During his time with the Detroit Fire Department, Mr. Cadoura was involved in a news story regarding ambulance run times as well as a lawsuit against the City. (Exhibit A at 13, 51, 65). The lawsuit dealt with issues of racial discrimination and hostile work environment, issues that were compounded by the over-issuance of discipline in 2012 and 2013. (Exhibit B at 44-45). According to Mr. Barney, the Detroit Fire Department “didn’t care” about their employees nor their disciplinary records. *Id.* During the end of Mr. Cadoura’s career with the City of Detroit, Mr. Barney stated that it “[was]n’t following [its] own rules under General Rule 61C-3,” which resulted in the due process rights of employees being violated. (*Id.* at 45-46). Mr. Barney further stated that the time when Mr. Cadoura left the Detroit Fire Department was “a very ugly period.” *Id.* at 36.

Mr. Cadoura resigned on June 13, 2013. (See Defendant’s Exhibit 4, ECF No. 33-5, PageID 268-70). On the resignation notice, it states that Mr. Cadoura was not eligible for reinstatement due to pending discipline at the time of his resignation. This is allegedly the result of a City of Detroit policy mandating the same, but even more senior members of the Detroit Fire Department had not seen

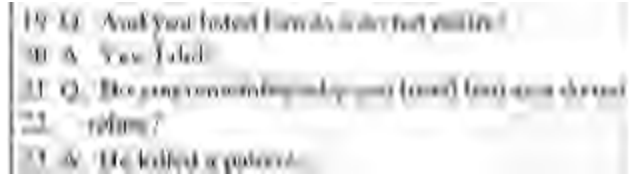
said policy. (Exhibit C: Dep. of Donella James at 35-36); (Exhibit D: Dep. of John Sablowski at 36). However, Defendant was failing to offer trial boards³ and otherwise adjudicate the disciplines being issued towards the end of Mr. Cadoura's employment and let these charges "sit for two years and there would be no adjudication of it and, you know, that impacts people negatively." (Exhibit B at 29). In fact, Defendant "had people that would charge somebody because they didn't want them to be in a supervisory capacity and, you know, with that out being adjudicated, they wouldn't be eligible to be –you know, to test out as a supervisor." *Id.* at 30.⁴

Mr. Cadoura reached out for reemployment with the City in November of 2017, a time in which the Detroit Fire Department was "reaching out to all Fire Detroit EMS employees." (Exhibit E: Deposition of Jerald James at 48) (*see also* Exhibit D at 35). Defendant even reached out to and rehired Brian Moore, a Detroit Fire Department paramedic, who "killed a patient." (Exhibit E at 42) (Exhibit C at 25).⁵

³ "Trial boards" are an administrative board that helped adjudicate appeals of discipline that did not go through the arbitration process.

⁴ Defendant never gave Mr. Cadoura an exit interview. (Exhibit A at 23).

⁵ "I know there was an issue with Paramedic Moore and another employee that was a friend that had to do with workplace violence. And I believe that Brian Moore had an issue with patient care...." (Exhibit C at 24-25).



(Exhibit C at 25:19-23). Plaintiff went through the application process and fulfilled the testing required of him by Defendant. (Exhibit A at 18-21); (Exhibit F: Candidate Rating Sheet for Mr. Cadoura in December of 2017).⁶ He was even assured that his years of service to the community would be taken into consideration for his reapplication to the Detroit Fire Department. *Id.* at 22.

Belinda Brown, from Defendant's HR department, eventually sent him a text message telling him he was hired and to resign from his then-current job. (Exhibit A at 20:21-21:1) (Exhibit G: Brown Dep. at 34:20-35:18)⁷. However, shortly after Chief Burch passed and Plaintiff had attended his funeral, Plaintiff received a phone call stating that his employment filed had been reviewed and that he had been placed on the "do not rehire" list. (*Id.* at 21:14-22:1). He was then formally denied via a letter from Ms. Brown. (*See* Defendant's Exhibit 11, ECF No. 33-12, PageID 293).

⁶ All areas were listed as passing by both Belinda Brown and Captain Daniel Walisesky.

⁷ Brown stated that she did not recall sending the text but did not deny that she sent it.

STANDARD OF REVIEW

As a threshold matter, summary judgment is appropriate only if the moving party establishes that there is no genuine issue of material facts for trial and the party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c); *Celotex Corp. v. Catrett*, 477 US 317, 322-323; 106 S.Ct. 2548; 91 L.Ed.2d 265 (1986). When considering a motion for summary judgment, the District Court "must view the evidence in a light most favorable to the nonmoving party." *Anderson v. Liberty Lobby, Inc.*, 477 US 242, 251-52; 106 S.Ct. 2505; 91 L.Ed.2d 202 (1986). Finally, the Court must accept as true to the text of the note any direct evidence offered by the nonmoving party, in opposition to the Summary Judgment motion. *Muhammad v. Close*, 379 F.3d 413, 416 (6th Cir. 2004). Ultimately, the standard of review for summary judgment is, "whether the evidence presents a sufficient disagreement to require submission to a jury or whether it is so one-sided, that one party must prevail as a matter of law." *Anderson*, (supra) 477 US at 251-52. Plaintiff submits that, utilizing this standard, the Court should reject Defendant's position and deny summary judgment.

ARGUMENT

I. Plaintiff Has Properly Stated a Claim Under both Title VII and ELCRA.

Plaintiff can establish a prima facie case of retaliation under both Title VII and ELCRA by showing: (1) he engaged in a protected activity; (2) his exercise of

the protected activity was known by the defendant; (3) thereafter, the defendant took an action that was materially adverse to the plaintiff; and (4) a causal connection existed between the protected activity and the adverse action. *Barrow v. City of Cleveland*, 773 F. App'x 254, 261 (6th Cir. 2019) (citing *Rogers v. Henry Ford Health Sys.*, 897 F.3d 763, 775 (6th Cir. 2018)).

Defendant points to differences between the EEOC charge and the Complaint as evidence of “contradiction,” with the implication that this undermines his claims. However, Defendant has not cited to, nor is Plaintiff aware of, any case, rule, or statute requiring the EEOC charge to directly mirror the Complaint. Claims brought by plaintiffs are routinely given more detail and change slightly as discovery is done and/or more information becomes available. Plaintiff was placed on the “do not rehire list” due to an alleged policy Defendant has that requires such a designation when someone retires/resigns with pending discipline as well as poor work behavior. (*See* Defendant’s Exhibit 16, ECF No. 33-17, PageID. 338). Neither of these reasons stand when examined fully as set forth fully in Section (c). Defendant maintains that Mr. Cadoura’s allegation of retaliation due to his prior lawsuit is “not supported by any evidence,” stating further that “he has not established that the decisionmakers knew about his alleged protected activity...” (*See* Defendant’s Motion for Summary Judgment, ECF No. 33, PageID. 255).

However, Jerald James, a former Chief for Defendant, stated:

20 Q. City of Detroit, did you know about Mr. Cadoura
 21 ever doing a lawsuit?
 22 A. Yes.
 23 Q. How did you find about that?
 24 A. On the news.
 25 Q. Did anyone at the Detroit make mention of it?
 26 A. And I believe it was the mayor.
 27 Q. After the news, was there any mention about it?
 28 A. Well, there was a lot of everywhere about it after
 29 A. I did the news.

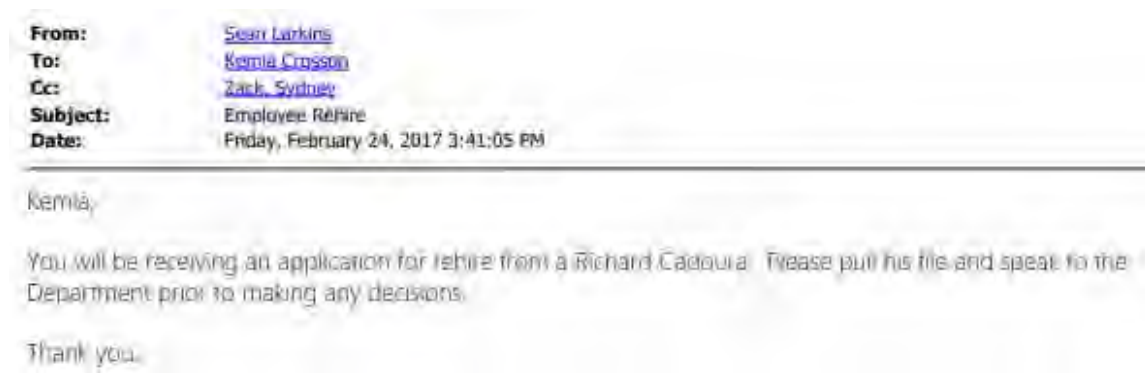
(Exhibit E at 37-38). Thus, it is clear that decision makers were aware of this lawsuit when they disciplined Mr. Cadoura, placed him on the “do not rehire list,” and denied his reinstatement. Importantly, around the time of Mr. Cadoura’s resignation, there was a surge of disciplinary issues, as Mr. Barney stated. (Exhibit B at 30). His statement, from a non-interested party, shows that the Administration used discipline as a means to suppress employees from promotion. Thus, a leap in logic is not required for a jury to find such actions were also undertaken when Mr. Cadoura was placed on the “do not rehire list” and denied reinstatement.

Given the widespread knowledge of the issues about which Mr. Cadoura complained, it is clear that Defendant created the situation for the denial of Mr. Cadoura’s reinstatement with the improper issuance of discipline even before he

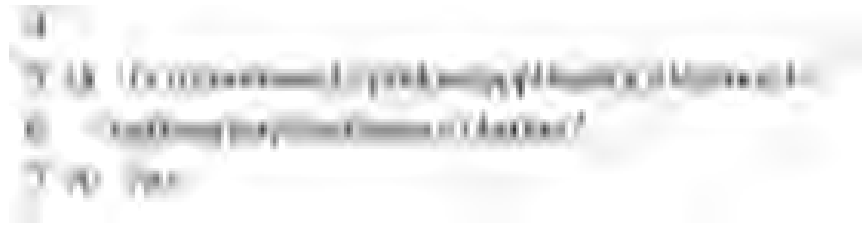
left the department, the denial of his procedural rights including an exit interview, and his denied reinstatement which prompted this lawsuit.

a. Plaintiff can establish that his protected activity was known to the decisionmakers.

The above section, which includes the statement from Jerald James, shows widespread knowledge of Mr. Cadoura's lawsuit when he was receiving the improper disciplines mentioned in Joseph Barney III's testimony. (Exhibit E at 37-38); (Exhibit B at 36, 44-45, 45-46). Further, Defendant did not cite to any evidence or testimony stating Belinda Brown and Kemia Crosson were the only "decisionmakers" involved in the denial of Mr. Cadoura's reinstatement. Defendant's own records actually support the fact that other high-ranking individuals were involved in the denial and pulled Mr. Cadoura's file, which is not normal for the process. (Exhibit G: Deposition of Belinda Brown at 29-30) (Exhibit H: February 24, 2017 Email from Chief Sean Larkins).⁸



⁸ Upon information and belief, Sean Larkins, current Superintendent of EMS, is a twenty-seven-year veteran of Defendant.



(Exhibit H and Exhibit G at 30 respectively). Chief Sean Larkins clearly had a reason to deviate from the normal procedure of hiring, as testified to by Belinda Brown. Chief Larkins was working during the time of Mr. Cadoura's lawsuit against Defendant and inserted himself into the rehiring process. There is no explanation offered by Defendant as to why Chief Larkins would deviate from the normal hiring process, particularly where Belinda Brown had already told him he would be hired. A reasonable jury could rule Mr. Cadoura's prior lawsuit, his protected activity, was known by at least Chief Larkins who clearly inserted himself as part of the decision-making process.

b. Mr. Cadoura has established a causal connection between his protected activity and Defendant's decision not to rehire him.

. The prior section shows a jury could reasonably find that the decision makers involved in denying Mr. Cadoura's rehire application knew of the prior lawsuit, his protected activity. Defendant points to the disciplinary records as evidence to support their legitimate, non-retaliatory reason for Mr. Cadoura being denied reinstatement in 2017.⁹ However, Joseph Barney III and Donella James

⁹ That reason is fully address in Section (c).

both stated Mr. Cadoura was a competent EMT/paramedic, who did not have issues with patient care. (Exhibit B at 37) (Exhibit C at 17). Section (c) sets out a full explanation as to the pretextual nature of Defendant's proffered legitimate reason for Mr. Cadoura's denial. Defendant does not have a plausible explanation for any of the oddities in this case:

- Belinda Brown from Defendant's HR stated to Plaintiff that he would be hired and should resign from his then-current employment.
- Chief Larkins asked for Cadoura's file to be pulled, which Belinda Brown stated was not normal. (Exhibit G at 30) (Exhibit H).
- Brian Moore was rehired despite resigning/quitting with pending discipline relating to killing a patient, issues with workplace violence, and a recommendation from Jerald James to be placed on the do not rehire list. (Exhibit E at 42, 51) (Exhibit C at 24).
- Multiple superiors in the Detroit Fire Department being completely unaware of the alleged Detroit policy requiring a do not rehire designation for someone resigning with pending discipline. (Exhibit C: Dep. of Donella James at 35-36)(Exhibit D: Dep. of John Sablowski at 36).

All of these facts support Mr. Cadoura's claims of retaliation as they show repeated differences in treatment and/or process. Defendant did not address Brian Moore, a comparator to Plaintiff, in its motion in any manner. His situation, as fully set forth below, provides a strong piece of evidence that Mr. Cadoura was treated differently based upon something other than his do not rehire designation based on pending discipline. When viewed in a light most favorable to Plaintiff, he

has established a genuine issue of material fact as to the matter of a causal connection.

c. Defendant's proffered legitimate reason was merely pretextual and was not the reason for the denial of Mr. Cadoura's application.

Mr. Cadoura can show pretext in this matter, as Defendant's proffered legitimate reason does not hold up when examined in the full light of the facts and evidence. Throughout Defendant's instant motion, references to the disciplinary record of Mr. Cadoura as well as poor work performance make up the basis of their alleged legitimate reason. However, Mr. Cadoura can offer evidence to counter this reason showing that this was merely pretextual.

First, there is Brian Moore. Mr. Moore was recommended for the do not rehire list due to an incident where "[h]e killed a patient." (Exhibit E at 42). Jerald James knew Defendant "rehired a whole bunch of people that had resigned and been terminated and etc." *Id.* at 43. Similar to Mr. Cadoura, Mr. Moore resigned prior to receiving any disciplinary action related to the incident where a patient died. *See Id.* at 51. Thus, not only did Mr. Moore have a "severe" patient care issue, but he resigned prior to receiving the disciplinary action related to that issue.¹⁰ However, unlike Mr. Cadoura, he was rehired by Defendant despite Jerald James' recommendation that he be placed on the do not rehire list for killing a

¹⁰ Defendant's argument for their legitimate reason rests on pending disciplinary action placing Mr. Cadoura on the do not rehire list.

patient. *Id.* at 42-43, 48 (See also Exhibit C at 24). Mr. Moore even had issues with workplace violence against another employee. (Exhibit C at 24). Mr. Cadoura did not have those issues and Mr. Barney, a veteran on the force, did not see a problem with bringing him back and advised the Chief Burch of the same. (Exhibit B at 37).

Further, and importantly, Brown stated that even though she was in Humar Resources, she did not know he was ineligible for rehire until Chief Larkins told her the same. (Exhibit G at 22:19-24). Brown told Cadoura that they would have told him at his exit interview when he left the City that he was ineligible for rehire, but Cadoura informed her that he never had an exit interview at all. (Exhibit A at 23). Brown further told him that, at the time he first left (which she told him was a “discharge” rather than a resignation), he should have had a disciplinary hearing if he was actually subject to discipline; but then after informing him of this, she hung up the phone saying she had “said too much.” (*Id.*)

Mr. Cadoura wanted to improve the Detroit Fire Department, yet he was not allowed to do so due to pending discipline, the same issue Brian Moore had but was allowed to return. (Exhibit B at 43); (Exhibit E at 42, 43, 51). John Sablowski, a former coworker, and supervisor for Mr. Cadoura, had no problems working with him when they were both paramedics. (Exhibit D at 27). Yet, despite his record of service and individuals like Mr. Barney recommending his reinstatement, Mr. Cadoura was denied rehire and Mr. Moore was not. This leads to two possible

conclusions: 1) Brian Moore was exempted from an allegedly mandatory placement on the do not rehire list according to an alleged policy; and/or 2) Mr. Moore was placed on the do not rehire list according to the same policy as Mr. Cadoura, but was treated differently despite having a far more severe basis for his disciplinary action.

Both conclusions are devastating to Defendant's arguments. The first would mean that Defendant did not apply this alleged policy to all of its employees equally. This would reasonably point someone to the conclusion that Defendant "picked and chose" to whom to apply this mandatory policy and selected Mr. Cadoura for some other reason than pending discipline. That reason was Mr. Cadoura's prior lawsuit, which the entire department knew about, according to Jerald James' testimony. The second explanation would mean that despite applying the policy to both individuals, one was given adversarial treatment for another reason.¹¹ Either of these conclusions could be reasonably supported by the evidence and a reasonable jury could rule the Defendant's proffered reason was merely pretextual as it relates to Mr. Cadoura based upon the information provided.

¹¹ Defendant cannot say Mr. Cadoura was not qualified as the attached Exhibit F shows Mr. Cadoura received passing grades in all areas for his candidate rating sheet in 2017.

CONCLUSION

WHEREFORE Plaintiff, Richard Cadoura, respectfully requests this Honorable Court deny Defendant's Motion in its entirety and grant such other relief as deemed necessary and appropriate in this Court's discretion.

Dated: February 17, 2023

Respectfully Submitted,

/s/ Austen J. Shearouse
Carla D. Aikens (P69530)
Austen J. Shearouse (P84852)
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CERTIFICATION PURSUANT TO L.R. 7.1

LOCAL RULE CERTIFICATION: I, Austen J. Shearouse, certify that this document complies with Local Rule 5.1(a), including: double-spaced (except for quoted materials and footnotes); at least one-inch margins on the top, sides, and bottom; consecutive page numbering; and type size of all text and footnotes that is no smaller than 10-1/2 characters per inch (for nonproportional fonts) or 14 point (for proportional fonts). I also certify that it is the appropriate length. Local Rule 7.1 (d)(3).

/s/ Austen J. Shearouse
Austen J. Shearouse

CERTIFICATE OF SERVICE

I hereby certify that on February 17, 2023, I caused to have electronically filed Plaintiff's Response to Defendant's Motion for Summary Judgment, Brief in Support of Motion, and Certificate of Service with the Clerk of the Court using the E-file & Serve system, which will serve a copy of such filing via email to all attorneys of record.

/s/ Carla D. Aikens

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD CADOURA,)	
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PLAINTIFF,)	Hon. Gershwin A. Drain
)	Magistrate Judge Anthony P. Patti
VS.)	
)	
THE CITY OF DETROIT,)	
)	
DEFENDANT.)	
)	
)	
)	
)	

PLAINTIFF'S LIST OF EXHIBITS

Plaintiff submits the following exhibits to his Response to Defendants'

Motion for Summary Judgment:

Exhibit A	Deposition of Richard Cadoura
Exhibit B	Deposition of Joseph Barney III
Exhibit C	Deposition of Donella James
Exhibit D	Deposition of John Sablowski
Exhibit E	Deposition of Jerald James
Exhibit F	Candidate Rating Sheet for Mr. Cadoura in December of 2017
Exhibit G	Deposition of Belinda Brown
Exhibit H	February 24, 2017 Email from Chief Sean Larkins

Dated: February 17, 2023

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2023, I caused to have electronically filed Plaintiff's Exhibit List and Certificate of Service with the Clerk of the Court using the E-file & Serve system, which will serve a copy of such filing via email to all attorneys of record.

/s/ Carla D. Aikens

EXHIBIT A

RICHARD CADOURA v CITY OF DETROIT
Deposition of Richard Cadoura

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In the Matter of:

RICHARD CADOURA,

Plaintiff,

vs.

CITY OF DETROIT,

Defendant.

Case No. 20-cv-12986

Hon. Gershwin A. Drain

Magistrate Judge: Anthony P. Patti

ZOOM VIDEO CONFERENCE DEPOSITION OF RICHARD CADOURA

Transcript of the deposition taken in the
above-entitled matter by Zoom video conferencing, on

Thursday, January 5, 2023, commencing at or about 10:00 a.m.

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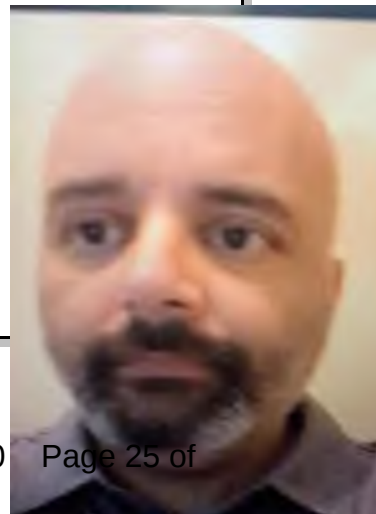
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RICHARD CADOURA v CITY OF DETROIT
Deposition of Richard Cadoura

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RICHARD CADOURA v CITY OF DETROIT
Deposition of Richard Cadoura

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<p>1 Thursday, January 5, 2023 – 10:00 a.m.</p> <p>2 (Deposition taken by Zoom video</p> <p>3 conferencing. The term “inaudible” is</p> <p>4 used where audio fades out or audio</p> <p>5 interference causes testimony to be</p> <p>6 unintelligible.)</p> <p>7 REPORTER: Please raise your right hand.</p> <p>8 Do you solemnly swear to tell the truth, the whole truth</p> <p>9 and nothing but the truth?</p> <p>10 MR. CADOURA: Yes, ma’am.</p> <p>11 REPORTER: Thank you.</p> <p>12 MR. MCFARLANE: This is the date and time</p> <p>13 set for the deposition of Mr. Cadoura in the lawsuit that</p> <p>14 he filed against the City of Detroit and to be used for</p> <p>15 all purposes under the Michigan Federal Rules of Civil</p> <p>16 Procedure.</p> <p>17 RICHARD CADOURA</p> <p>18 having been called as a witness, was sworn to testify to</p> <p>19 the truth, the whole truth and nothing but the truth, was</p> <p>20 examined and testified as follows:</p> <p>21 EXAMINATION</p> <p>22 BY MR. MCFARLANE:</p> <p>23 Q Sir, as this is taken via Zoom, I would ask, are you</p> <p>24 alone?</p> <p>25 A Yes, sir.</p>	<p>1 Q And what is your current address?</p> <p>2 A Current address is 12559 Stoneridge Lane, South Rockford,</p> <p>3 Michigan, Apartment 102. I’m sorry. 12559 Stoneridge</p> <p>4 Lane, Apartment 102, South Rockford, Michigan 48179. I</p> <p>5 haven’t changed it on my Driver’s License yet, but I am</p> <p>6 in the process of moving.</p> <p>7 Q And I take it based on what you just said, you’re</p> <p>8 currently in the process of moving?</p> <p>9 A That’s right.</p> <p>10 Q Do you live with anybody else?</p> <p>11 A No.</p> <p>12 Q I would like to start with your employment history.</p> <p>13 Prior to working for the City of Detroit, where did you</p> <p>14 work?</p> <p>15 A Community Ambulance.</p> <p>16 Q And when did you start working for Community Ambulance?</p> <p>17 A I believe it was probably the summer of ’97.</p> <p>18 Q And how long did you stay with Community Ambulance?</p> <p>19 A I would say probably anywhere between six months and a</p> <p>20 year. I was actually working for a few of their</p> <p>21 companies. One was a hospital-based company and the other</p> <p>22 was a private ambulance company. The other one was</p> <p>23 Health Link EMS. It was under the same parent company.</p> <p>24 I worked part-time for both and then when I received my</p> <p>25 letter to work for the City of Detroit, I obtained</p>
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<p>1 Q Okay. Nobody else present?</p> <p>2 A No, sir.</p> <p>3 Q Okay.</p> <p>4 A Am I okay or do you want me to center myself a little</p> <p>5 better --</p> <p>6 Q You’re absolutely fine. I’m not going to fuss over</p> <p>7 whether you’re centered or not. It’s all right by me.</p> <p>8 Just so you know, when I’m talking, don’t talk over me.</p> <p>9 It makes it very hard for the Court Reporter. When I’m</p> <p>10 talking, let me finish. I’ll try and let you finish.</p> <p>11 I’m sure we’ll screw it up somewhere along the way, but</p> <p>12 the less we do it, the better.</p> <p>13 If you don’t understand any questions I</p> <p>14 ask, just let me know because if you answer, it will seem</p> <p>15 like you understood the question.</p> <p>16 If you need a break, let us know and we’ll</p> <p>17 take a break. Any questions before we start?</p> <p>18 A No, sir.</p> <p>19 Q What is your full name?</p> <p>20 A Richard Najib; N-a-j-i-b. Last name is Cadoura; C-a-d-o-</p> <p>21 u-r-a.</p> <p>22 Q Have you ever used any other names?</p> <p>23 A No.</p> <p>24 Q What is your date of birth?</p> <p>25 A September 3, 1971.</p>	<p>1 residency in the City which was a requirement of</p> <p>2 employment and then I resigned after the, well, two weeks</p> <p>3 before the academy started. So we were supposed to start</p> <p>4 June 8, 1998.</p> <p>5 I resigned from both jobs two weeks prior.</p> <p>6 Q And then you came to the City of Detroit. Is that</p> <p>7 correct?</p> <p>8 A That’s correct.</p> <p>9 Q And what title did you hold at the City of Detroit?</p> <p>10 A They called it back then, it still could be true today,</p> <p>11 it was EMMT which was an Emergency Mobile Medical</p> <p>12 Technician.</p> <p>13 Q Did you hold any other titles with the City?</p> <p>14 A No.</p> <p>15 Q Okay. And when did you leave the City?</p> <p>16 A It was June 7th, 2013.</p> <p>17 Q And why did you leave?</p> <p>18 A I was working, you know, my regular shift with the</p> <p>19 regular partner that I had and before I made the decision</p> <p>20 to leave, I was brought before one of the HR personnel</p> <p>21 with then Chief Gerald James and we had a meeting.</p> <p>22 Apparently, they had some issue with, they</p> <p>23 said that I couldn’t be clean shaven every day and I told</p> <p>24 them, you know, that was never an issue before. Why is</p> <p>25 it becoming an issue now and it became apparent that I</p>

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<p>1 didn't want to be discharged because they told me in that</p> <p>2 meeting that if things didn't change, then I would be</p> <p>3 subject to a discharge and I didn't want to be discharged</p> <p>4 from there.</p> <p>5 Q And so you resigned?</p> <p>6 A That's correct.</p> <p>7 Q Prior to your resignation did you have any pending</p> <p>8 discipline?</p> <p>9 A That's correct.</p> <p>10 Q And do you recall what that pending discipline was?</p> <p>11 A There was a lot. I couldn't really specify one over the</p> <p>12 other. You are talking about the most recent ones that</p> <p>13 led up to me resigning?</p> <p>14 Q If you have some in mind, I'd like to hear them, yeah.</p> <p>15 A They took issue with the fact that a camera crew was</p> <p>16 following us around. The Commissioner at the time, James</p> <p>17 Mack, stated that our times were consistent with the</p> <p>18 national average which was 12 minutes and it wasn't true,</p> <p>19 so a camera crew was following us around and they</p> <p>20 documented the fact that it wasn't correct and put the</p> <p>21 City in the public eye and everybody was focused on that</p> <p>22 and then I started receiving a lot of discipline.</p> <p>23 Q When was this camera crew following you around?</p> <p>24 A Sometime in the summer of 2008.</p> <p>25 Q Okay. And do you recall any specific discipline that you</p>	<p>1 expressway, so we had to take a different route.</p> <p>2 When we arrived on scene, we found the</p> <p>3 person who was barely breathing and he was coughing up</p> <p>4 blood and his sister was sitting off to the side and she</p> <p>5 was crying hysterically and the firemen that were there</p> <p>6 were upset because it took us so long to get there. They</p> <p>7 actually responded first and we loaded him up into the</p> <p>8 ambulance and some doctor happened to be there on the</p> <p>9 side of the freeway and wanted to assist and he asked if</p> <p>10 he could ride in the ambulance.</p> <p>11 My Lieutenant at the time stated that he</p> <p>12 could, so we transported him to Detroit Receiving and</p> <p>13 then when we delivered care over to the staff, one of the</p> <p>14 staff members pointed out that I had blood or some tissue</p> <p>15 from the patient on my shirt and I went to go take it off</p> <p>16 so I could put it in a biohazard bag and as I was coming</p> <p>17 outside, Lieutenant John Sablowski was talking to my</p> <p>18 partner who was Jeff Sebree at the time.</p> <p>19 I asked him if there was something wrong</p> <p>20 and he said he was conducting an inquiry about a patient</p> <p>21 abandonment and when I asked him what he was implying, he</p> <p>22 said that you left the girl there and didn't make sure</p> <p>23 that she was attended to.</p> <p>24 Well, there was an EMS lieutenant on scene</p> <p>25 and I was in the back attending to the patient and Jeff</p>
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<p>1 had that was still pending when you resigned?</p> <p>2 A All of it.</p> <p>3 Q All of it?</p> <p>4 A That's correct.</p> <p>5 Q None of your discipline went to Trial Board?</p> <p>6 A No.</p> <p>7 Q Did you appeal all of your discipline?</p> <p>8 A We were in the process of switching unions at the time</p> <p>9 from Operating Engineers to the POAM which is the Police</p> <p>10 Officers Association of Michigan and they stated that the</p> <p>11 discipline that I had currently would transfer over and</p> <p>12 POAM would assume responsibility for it and I never</p> <p>13 received a Trial Board for any of it.</p> <p>14 Q Do you recall a discipline for telling your supervisor to</p> <p>15 go to your truck and fuck off?</p> <p>16 A I remember that.</p> <p>17 Q Okay. And did you write a statement in that discipline,</p> <p>18 your own handwritten statement?</p> <p>19 A I don't recall.</p> <p>20 Q Did you tell your supervisor to fuck off?</p> <p>21 A Yes, I did.</p> <p>22 Q And why did you do that?</p> <p>23 A If you could bear with me, we were responding to a call</p> <p>24 on the freeway where a person was ejected out of the</p> <p>25 vehicle. There was a massive backup in traffic on the</p>	<p>1 Sebree who was my partner, he's also an EMT, stated that</p> <p>2 the other ambulance was there because we called for more</p> <p>3 resources. He told him through the window that the girl</p> <p>4 was sitting off to the side of the road and that we would</p> <p>5 be leaving. There was an EMS Lieutenant there. He</p> <p>6 understood exactly what was happened and we transported.</p> <p>7 When we got to the hospital, he was</p> <p>8 conducting an inquiry for some allegedly abandonment and</p> <p>9 he tried to talk to my partner and I told him if you're</p> <p>10 trying to imply any discipline or any investigation that</p> <p>11 could lead to discipline, I'm invoking my Weingarten</p> <p>12 rights as well as for Mr. Sebree because I don't know</p> <p>13 where you're going with this.</p> <p>14 I don't even know where the charge was</p> <p>15 actually initiated from. I believe it was from then</p> <p>16 Captain (inaudible) James, which was Chief Gerald James'</p> <p>17 wife. She was also an administrative officer and the</p> <p>18 Lieutenant got mad because I wouldn't answer any of his</p> <p>19 questions which was not being insubordinate.</p> <p>20 I invoked my Weingarten rights. I didn't</p> <p>21 want to speak until I talked to a Union representative</p> <p>22 based on what the issue was. Then as I was walking away,</p> <p>23 the Lieutenant focused his attention on the fact that I</p> <p>24 wasn't wearing my duty shirt and I told him that it had</p> <p>25 blood on it and he told me, "I don't care. You put it</p>

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Page 11	<p>1 back on. I'm ordering you to put it back on."</p> <p>2 I said, "It's contaminated and I'm not</p> <p>3 doing it," and he started to come towards me. This is a</p> <p>4 Lieutenant that I worked with when he was a paramedic on</p> <p>5 the ambulance. I worked with him on multiple occasions</p> <p>6 and we had a good working relationship.</p> <p>7 I couldn't understand what was going on at</p> <p>8 this particular time, but there was some urgency for him</p> <p>9 to start something and the situation got heated and I did</p> <p>10 say it. I was disappointed in the fact that he was one</p> <p>11 of my commanding officers and somebody that I had respect</p> <p>12 for and for him to imply that I would put on a bloody</p> <p>13 soaked shirt to me was just with, all due respect, bad</p> <p>14 judgment on his part.</p> <p>15 Q Understood. I'm going to show you a document that I'll</p> <p>16 have marked as Exhibit 1.</p> <p>17 (At 10:12 a.m., Defendant's</p> <p>18 Exhibit 1 marked)</p> <p>19 Q (By Mr. McFarlane) Can you see that document, sir?</p> <p>20 A Yeah.</p> <p>21 Q Does this look familiar?</p> <p>22 A Yeah.</p> <p>23 Q Okay. Are you aware if you wrote this?</p> <p>24 A That's correct. That's my signature.</p> <p>25 Q Okay. So would this be your statement regarding that</p>	Page 13	<p>1 A That's correct.</p> <p>2 Q And when was that lawsuit filed?</p> <p>3 A About probably by Norm Yatooma probably sometime probably</p> <p>4 2008 maybe when all the issues started happening.</p> <p>5 Q And what were you alleging in that lawsuit?</p> <p>6 A I don't recall. There were some documents, you know,</p> <p>7 that they presented. It was part of a class action.</p> <p>8 There were several other participants that were involved.</p> <p>9 Then Lieutenant Mike Kearns was involved. Lieutenant</p> <p>10 Mike Christy was involved and then there were probably</p> <p>11 several other people.</p> <p>12 Q And what happened with that lawsuit?</p> <p>13 A At the time that the City was filing for bankruptcy, the</p> <p>14 attorney, Elias Muwad, called me and said that the City</p> <p>15 was filing for bankruptcy, so whatever settlement I would</p> <p>16 get, it would be pennies on the dollar and that he could</p> <p>17 no longer represent me, so I called the City of Detroit</p> <p>18 Law Department and spoke with Letitia Jones and she asked</p> <p>19 me – I told her that I'm no longer represented by Counsel</p> <p>20 and she hung up on me.</p> <p>21 Q Did you or your attorney at the time file a claim with</p> <p>22 the bankruptcy court?</p> <p>23 A No. To my knowledge, no.</p> <p>24 Q Not that you know of. Okay. Do you know what happened</p> <p>25 within the bankruptcy court regarding your lawsuit?</p>
Page 12	<p>1 altercation?</p> <p>2 A That's correct.</p> <p>3 Q Okay. Thank you. Is there any other specific discipline</p> <p>4 that you remember that was pending when you resigned?</p> <p>5 A As a result of the media story, I did have my shirt</p> <p>6 untucked for a brief moment when I was on camera. I was</p> <p>7 called in by Assistant Superintendent Joe Wilson and I</p> <p>8 believe I received a 48-hour suspension for that.</p> <p>9 Q Did you serve that suspension?</p> <p>10 A I don't recall. I probably did.</p> <p>11 Q When you resigned from the City of Detroit, were you</p> <p>12 eligible to collect a pension?</p> <p>13 A At the time I wasn't sure because the City was on the</p> <p>14 verge of bankruptcy prior to me leaving, so I wasn't sure</p> <p>15 what that would entail after.</p> <p>16 Q Did you ever receive any pension payments from the City</p> <p>17 of Detroit?</p> <p>18 A If I did, I would be eligible this year. This would be</p> <p>19 my 25th year of service.</p> <p>20 Q Speaking of the bankruptcy, are you aware if – okay, so</p> <p>21 let's go back. So prior to your resignation you had a</p> <p>22 lawsuit against the City of Detroit. Is that correct?</p> <p>23 A Say that one more time.</p> <p>24 Q Prior to your resignation did you have a lawsuit against</p> <p>25 the City of Detroit?</p>	Page 14	<p>1 A No.</p> <p>2 Q Did your attorney ever inform you about any filings</p> <p>3 within the bankruptcy court regarding your lawsuit?</p> <p>4 A No. Not to my knowledge.</p> <p>5 Q So after you resigned from the City of Detroit, where did</p> <p>6 you go next?</p> <p>7 A At the time, I was currently working with the Riverview</p> <p>8 Fire Department. It was part-time employment.</p> <p>9 Q And when did you begin working for Riverview?</p> <p>10 A When I became a paramedic.</p> <p>11 Q And do you know what year that was?</p> <p>12 A It was I believe in the beginning of 2008.</p> <p>13 Q So from 2008 to 2013 you were working part-time with</p> <p>14 Riverview?</p> <p>15 A That's correct.</p> <p>16 Q And you said how many hours were you doing at that point?</p> <p>17 A The required minimum of part-time. I think at that time</p> <p>18 it was required to work either 48 or 54 hours a month.</p> <p>19 Q And how many hours were you working at the City of</p> <p>20 Detroit?</p> <p>21 A The standard which was 84 hours bi-weekly.</p> <p>22 Q So bi-weekly.</p> <p>23 A With option of overtime. I mean, they had a lot of</p> <p>24 vacancies to fill.</p> <p>25 Q When you resigned from the City did you maintain part-</p>

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<p>1 time at Riverview or did you go full-time?</p> <p>2 A They were part-time. Also, I was working at Harper</p> <p>3 Hospital as a contingent EMT.</p> <p>4 Q Harper Hospital, and when did you start working there?</p> <p>5 A I want to say probably 2004 to 2008, so right around the</p> <p>6 time, I believe, when I got my paramedics license. Right</p> <p>7 around that time.</p> <p>8 Q How many hours did you put in at Harper Hospital?</p> <p>9 A It was contingent employment, so I was only required to</p> <p>10 work eight hours a month. I sometimes would work no more</p> <p>11 than 24 hours a week.</p> <p>12 Q When did you or have you separated from employment with</p> <p>13 Riverview?</p> <p>14 A Yes, I have.</p> <p>15 Q Okay. And when was that?</p> <p>16 A 2015.</p> <p>17 Q And why did you leave Riverview?</p> <p>18 A I was discharged.</p> <p>19 Q And what were you discharged for?</p> <p>20 A I actually don't know. There were a list of charges that</p> <p>21 were applied. They didn't specify any specific one.</p> <p>22 Q What was the list of charges that you can recall?</p> <p>23 A I guess I had a disagreement. I'll answer your question</p> <p>24 first. I believe it was insubordination was one and they</p> <p>25 said that I was recording some meetings without prior</p>	<p>1 Q And did you stay with Riverview at that point?</p> <p>2 A For about a year.</p> <p>3 Q And then you said you left in 2015?</p> <p>4 A No.</p> <p>5 Q When did you leave?</p> <p>6 A I believe it was probably 2018.</p> <p>7 Q 2018. Why did you leave in 2018?</p> <p>8 A I was discharged a second time.</p> <p>9 Q Okay. And what was that discharge?</p> <p>10 A Again, it was from the same person, Cliff Rosbohn. Well,</p> <p>11 no. I take that back. They had appointed a Fire Chief.</p> <p>12 Q And who was that?</p> <p>13 A I'm trying to think of his name. I can't recall.</p> <p>14 Q And what were the charges?</p> <p>15 A A few that were pending. I don't recall.</p> <p>16 Q And did you grieve it?</p> <p>17 A No.</p> <p>18 Q Why not?</p> <p>19 A I settled with the Department.</p> <p>20 Q And when you say "settled," had you filed a lawsuit?</p> <p>21 A That's correct.</p> <p>22 Q And when did you file that lawsuit?</p> <p>23 A I don't recall. Around the time possibly when I was</p> <p>24 discharged the first time.</p> <p>25 Q Do you recall when your last day of employment with</p>
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<p>1 authorization, that I was - a couple other things. I</p> <p>2 don't have a list. There's probably about 25 or so</p> <p>3 things.</p> <p>4 The Police Chief at the time, he was the</p> <p>5 Public Safety Director and he didn't really oversee the</p> <p>6 Fire Department. He was mainly overseeing the Police</p> <p>7 Department and he had an Assistant Chief at the time.</p> <p>8 His name was Michael Pool.</p> <p>9 He was just there to take care of</p> <p>10 administrative issues. When it came to discipline, it</p> <p>11 would come from the Public Safety Director.</p> <p>12 Q And is that who disciplined you?</p> <p>13 A That's correct.</p> <p>14 Q And were you in a union at Riverview?</p> <p>15 A That's correct.</p> <p>16 Q And what was the name of that union?</p> <p>17 A I believe it was AFSCME, I believe.</p> <p>18 Q Was it a Local or just the overarching AFSCME Union?</p> <p>19 A No, it was a Local. I don't recall the Local number</p> <p>20 itself.</p> <p>21 Q Did you appeal your discharge?</p> <p>22 A I did, because I was the elected Vice-President of our</p> <p>23 Local.</p> <p>24 Q And what was the result of that grievance?</p> <p>25 A I was returned back to duty.</p>	<p>1 Riverview was?</p> <p>2 A That I couldn't tell you. It was probably the last full</p> <p>3 day that I worked was the day that I was suspended and</p> <p>4 then I received the termination letter in the mail.</p> <p>5 Q Was that before or after you applied to the City of</p> <p>6 Detroit for the second time?</p> <p>7 A Actually, I applied before that. I applied for</p> <p>8 reinstatement prior to going through the application</p> <p>9 process. I believe it was back in 2017.</p> <p>10 Q And what was the result of your reinstatement request?</p> <p>11 A I never heard anything back. I actually went to Fire</p> <p>12 Department Headquarters which was located, I believe, on</p> <p>13 Michigan and Third. It was the old MGM Grand Casino</p> <p>14 building and I had spoken with the superintendent, Shawn</p> <p>15 Larkins.</p> <p>16 Q Okay.</p> <p>17 A I had worked with him for several years on the ambulance</p> <p>18 at different stations. I had a good relationship with</p> <p>19 him. Somebody told me that I could call him and then</p> <p>20 when he stated that I could come down there and talk to</p> <p>21 him, I made an appointment and then I was able to pass</p> <p>22 through security and then he met me downstairs and walked</p> <p>23 me back upstairs and we had a little talk.</p> <p>24 He asked me how things were going since I</p> <p>25 left and I said, "Well, you know, a lot of things</p>

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Page 19	<p>1 happened as a result of the Detroit story and the</p> <p>2 controversy and everything that was going on that some of</p> <p>3 my current employers weren't too happy about that."</p> <p>4 I said, "You know, I probably never should have left."</p> <p>5 So he had somebody come down from Fire Department HR and</p> <p>6 I want to say I believe her name was Kemia. Kemia Brown,</p> <p>7 possibly.</p> <p>8 Q If I said Kemia Crosson, would that --</p> <p>9 A Kemia Crosson. There we go, and then he handed me a</p> <p>10 reinstatement letter. I filled it out and Ms. Crosson</p> <p>11 you said is her name?</p> <p>12 Q I don't know if that's who you spoke to, but there is a</p> <p>13 Kemia Crosson that I'm aware of that works in Fire from</p> <p>14 HR, so I'm just asking if that's her. If you don't</p> <p>15 recall, that's okay.</p> <p>16 A She came downstairs and I handed her the letter, the</p> <p>17 reinstatement letter, which usually when you fill out</p> <p>18 documentation, they're required to make copies and then</p> <p>19 issue one of them back to you and then they keep two.</p> <p>20 It's always been Fire Department standard that they give</p> <p>21 you some kind of documentation from, you know, whatever</p> <p>22 meeting you had or whatever documents you submitted.</p> <p>23 I never received anything and I never</p> <p>24 heard anything back.</p> <p>25 Q And then at some point did you apply for a position at</p>	Page 21	<p>1 because I would be returning back to the City of Detroit.</p> <p>2 Q Okay. And you said Ms. Brown was the HR Director?</p> <p>3 A I didn't know exactly her position if she was part of</p> <p>4 Fire Department HR or if she was general City HR. At the</p> <p>5 time I didn't know.</p> <p>6 Q So you're not sure if she's an HR Director or not?</p> <p>7 A She was.</p> <p>8 Q Okay.</p> <p>9 A To my understanding.</p> <p>10 Q Did you have any other communications with Ms. Brown at</p> <p>11 that time other than the text message?</p> <p>12 A We spoke on the phone.</p> <p>13 Q And when did you speak to her on the phone?</p> <p>14 A Well, in the text message that I received. It was after</p> <p>15 Assistant Chief Raymond Birch passed away. The day after</p> <p>16 I was interviewed, he passed away and then I attended his</p> <p>17 funeral and then about a week later possibly, I received</p> <p>18 a text message asking if I could call her. This is Ms.</p> <p>19 Brown.</p> <p>20 I called her and she stated that they</p> <p>21 would have to withdraw their offer of position as</p> <p>22 paramedic with the City of Detroit Fire Department.</p> <p>23 Q And did she state anything else?</p> <p>24 A She stated that apparently they reviewed my employee file</p> <p>25 and that it stated that I was discharged and placed on a</p>
Page 20	<p>1 the City of Detroit after that?</p> <p>2 A That's correct.</p> <p>3 Q Okay. And what position did you apply for?</p> <p>4 A At the time, they said that I could apply for a paramedic</p> <p>5 position at the City of Detroit.</p> <p>6 Q And do you know when you applied?</p> <p>7 A I'm sorry?</p> <p>8 Q Do you know when you applied?</p> <p>9 A No, shortly after that. Probably sometime in late maybe</p> <p>10 the middle 2017, late 2017.</p> <p>11 Q And after you applied did you hear back?</p> <p>12 A That's correct. The point of contact that I had was back</p> <p>13 then he was Assistant Chief, Raymond Birch. I had spoken</p> <p>14 to him on the phone and he said that the City was eager</p> <p>15 to bring back technicians that had a lot of experience</p> <p>16 that could mentor a lot of the younger group that were</p> <p>17 hiring in.</p> <p>18 I told him that I was interested and then</p> <p>19 I applied, so he was my point of contact from that point.</p> <p>20 Q And did you get a job offer from the City?</p> <p>21 A After the process was completed, I was contacted by text</p> <p>22 message from the HR Director, Ms. Brown. She sent me a</p> <p>23 text message saying -- it was either email or text message</p> <p>24 that said that I was offered the position and upon</p> <p>25 accepting it, I could resign from my current employment</p>	Page 22	<p>1 Do Not Rehire List.</p> <p>2 With all due respect, Counsel, is it okay</p> <p>3 if I sip on something so that I can keep my throat clear?</p> <p>4 Q Absolutely. Go for it.</p> <p>5 A All right. Thank you. Did you want me to finish that?</p> <p>6 Q Yeah, go ahead.</p> <p>7 A So around the time when they were doing the physical</p> <p>8 agility test which is the physical portion of the</p> <p>9 requirement to enter into employment with the City of</p> <p>10 Detroit Fire Department EMS Division, at the time I was</p> <p>11 talking with Ms. Brown there and she stated to me, "Mr.</p> <p>12 Cadoura, you have a look of concern on your face."</p> <p>13 I said, "Honestly," I said, "it's kind of</p> <p>14 a surprise that I'm actually, you know, being considered</p> <p>15 to come back for reemployment with the City." I said, "I</p> <p>16 received a lot of discipline in the past and I thought</p> <p>17 that that would be an issue."</p> <p>18 She said that my 15 years of service or</p> <p>19 just one day shy of 15 years, she said, "Your service</p> <p>20 record will weigh heavily on your return. You spent a</p> <p>21 lot of years with the City of Detroit Fire Department and</p> <p>22 that would weigh heavily."</p> <p>23 They gave me some sense of reassurance. The</p> <p>24 vibe that I got from then Assistant Chief Joe Barney, he</p> <p>25 just seemed like he was distant, didn't really say much,</p>

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Page 23	<p>1 couldn't understand. I worked with him, you know, for</p> <p>2 many years. There were no issues that I could remember</p> <p>3 and then after that when I spoke to her, I said, that</p> <p>4 night that she called me to tell me that I wasn't going</p> <p>5 to be able to come back, and she told me that I was</p> <p>6 discharged and I said, "I wrote a resignation letter and</p> <p>7 it was acknowledged and then they paid me out for my time</p> <p>8 several months later."</p> <p>9 I was not aware of any discharge from</p> <p>10 employment and she said that on my exit interview, they</p> <p>11 stated that I was recommended to not be rehired. I told</p> <p>12 her that I never received an exit interview. She stated</p> <p>13 that it was mandatory that I receive an exit interview</p> <p>14 because at that point is when they tell you if you're</p> <p>15 eligible for rehire in the future or if you're not.</p> <p>16 She said at the time, I said, "So if I was</p> <p>17 discharged from the Fire Department, then I would have to</p> <p>18 have a show cause hearing as to why I was being</p> <p>19 discharged. There had to have been some discipline that</p> <p>20 preceded that."</p> <p>21 She told me that she thought that she said</p> <p>22 too much and hung up.</p> <p>23 Q And that was the last conversation you had with Ms.</p> <p>24 Brown?</p> <p>25 A That's correct.</p>	Page 25	<p>1 A I don't recall. Are you saying email?</p> <p>2 Q Do got an email you said?</p> <p>3 A No. With all due respect, I'm asking is this an email or</p> <p>4 was this a hard copy letter that they mailed?</p> <p>5 A I have a copy of and the blacked out portion on the top</p> <p>6 is your address. We've redacted that in discovery, but</p> <p>7 as far as I can tell, this is a letter addressed to you</p> <p>8 that was in your personnel file. I'm just trying to</p> <p>9 verify if you recall receiving it?</p> <p>10 A Possibly, but I don't recall.</p> <p>11 Q Okay. And do you know when you attended the physical</p> <p>12 ability test?</p> <p>13 A I believe I read in there that it said that it was</p> <p>14 December 7th.</p> <p>15 Q Does that seem accurate?</p> <p>16 A I would say yes. I mean, I don't recall exactly, but if</p> <p>17 that was the date, I did attend.</p> <p>18 Q And do you recall receiving a letter from the City</p> <p>19 informing you that you were no longer being considered</p> <p>20 for employment?</p> <p>21 A I don't recall receiving that.</p> <p>22 Q I'll share with you what will be marked, I think I'm on</p> <p>23 Exhibit 4.</p> <p>24 (At 10:37 a.m., Defendant's</p> <p>25 Exhibit 4 marked)</p>
Page 24	<p>1 Q And did you receive – I want to go over some documents.</p> <p>2 Did you ever receive a letter from the City regarding an</p> <p>3 offer of employment?</p> <p>4 A I believe I did.</p> <p>5 Q Let me show you what I'll have marked as Exhibit 2.</p> <p>6 (At 10:34 a.m., Defendant's</p> <p>7 Exhibit 2 marked)</p> <p>8 Q (By Mr. McFarlane) Does this document look familiar?</p> <p>9 A That's correct.</p> <p>10 Q And do you recall receiving this?</p> <p>11 A I don't recall.</p> <p>12 Q Do you recall responding to the City and providing your</p> <p>13 name, date of birth, and Driver's License and the other</p> <p>14 information requested?</p> <p>15 A That's correct.</p> <p>16 Q So you did provide that information to the City?</p> <p>17 A To my recollection, yes.</p> <p>18 Q Do you recall receiving a letter to go to the physical</p> <p>19 agility test?</p> <p>20 A That's correct.</p> <p>21 Q I'm going to show you what I'll have marked as Exhibit 3.</p> <p>22 (At 10:35 a.m., Defendant's</p> <p>23 Exhibit 3 marked)</p> <p>24 Q (By Mr. McFarlane) And do you recall receiving this</p> <p>25 letter?</p>	Page 26	<p>1 Q (By Mr. McFarlane) Do you recall this document?</p> <p>2 A No, I don't recall.</p> <p>3 Q Do you know when you spoke to Ms. Brown when she informed</p> <p>4 you that you were no longer being considered for</p> <p>5 employment?</p> <p>6 A I received a text message stating when the academy was</p> <p>7 going to start which was January 2nd of 2018. It was</p> <p>8 prior to, I believe, the first of the year.</p> <p>9 Q Prior to the first of the year.</p> <p>10 A It may have been. I believe it was just about two weeks</p> <p>11 outside of when the academy was supposed to start.</p> <p>12 Q And at that time were you still employed by Riverview?</p> <p>13 A No.</p> <p>14 Q So at the end of 2017 you were no longer employed by</p> <p>15 Riverview?</p> <p>16 A That's correct.</p> <p>17 Q I thought earlier you told me you were still at Riverview</p> <p>18 in 2018?</p> <p>19 A At the time that I applied I was just in the process of</p> <p>20 being reinstated, so I wasn't at the time employed. I</p> <p>21 started sometime probably in the beginning of 2018, so</p> <p>22 right around that time, but at the time the decision was</p> <p>23 made for me to go to the City of Detroit, I was in the</p> <p>24 process of – there was a delay from sometime, I believe,</p> <p>25 in October until like the first of the year for me to be</p>

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<p>1 reinstated, so there was a time when I did receive</p> <p>2 information from the Arbitrator and there was some kind</p> <p>3 of delay about returning me back.</p> <p>4 Q Do you know the return to work date?</p> <p>5 A I believe it was – no, I don't.</p> <p>6 Q Okay. Was it early, mid-January, late January?</p> <p>7 A I think it was the beginning of January.</p> <p>8 Q When you were reinstated, did you receive any back pay</p> <p>9 award?</p> <p>10 A No.</p> <p>11 Q You were reinstated, no back pay?</p> <p>12 A In the Arbitrator's ruling, he believed that I was off</p> <p>13 for 16 months. He believed that a two-month suspension</p> <p>14 would have been appropriate instead of discharge and the</p> <p>15 Union declined to pursue the back pay.</p> <p>16 Q Did you have any other employment other than the ones</p> <p>17 we've spoken about?</p> <p>18 A Yes, I did.</p> <p>19 Q Okay. What other employers did you work for?</p> <p>20 A The City of Woodhaven.</p> <p>21 Q And when did you work for the City of Woodhaven?</p> <p>22 A I believe it was August 27, 2015.</p> <p>23 Q Okay. Until when?</p> <p>24 A I would say probably two months ago.</p> <p>25 Q So that would be November-ish of 2022?</p>	<p>1 or were you just discharged?</p> <p>2 A They said that there was a comment that I made to a</p> <p>3 female firefighter that was on probation.</p> <p>4 Q And what comment did they allege that you made to a</p> <p>5 female probationary employee?</p> <p>6 A I don't recall because I didn't see any specific</p> <p>7 statement that she wrote. They paraphrased some things</p> <p>8 and then pursuant to her interview, they interviewed</p> <p>9 several other female firefighters. Some of them were my</p> <p>10 superiors and whatever issues they brought up, it was</p> <p>11 unbeknownst to me that there was any kind of problem</p> <p>12 because it was never brought up to me.</p> <p>13 Q When they discharged you did they provide you either an</p> <p>14 investigation or a fact sheet or anything tell you why</p> <p>15 you were being discharged?</p> <p>16 A It was an unsworn meeting. It was a Garrity hearing the</p> <p>17 first one which I had Union representation there and I</p> <p>18 was told before, the day before that I was suspended by</p> <p>19 Mr. Kyle Fowle who was also an employee with the City of</p> <p>20 Detroit Fire Department at the time —</p> <p>21 REPORTER: The last name, please?</p> <p>22 THE WITNESS: Fowle; F-o-w-l-e.</p> <p>23 REPORTER: Thank you.</p> <p>24 Q (By Mr. McFarlane) You said he was a City employee as</p> <p>25 well?</p>
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<p>1 A October or November.</p> <p>2 Q October or November of 2022. Okay.</p> <p>3 A That's correct.</p> <p>4 Q And why did you leave Woodhaven?</p> <p>5 A Discharged.</p> <p>6 Q And what were you discharged for from the City of</p> <p>7 Woodhaven?</p> <p>8 A I contested their promotional process. I stated to them</p> <p>9 that – there was a new Chief appointed. He was a</p> <p>10 Captain, Brad Miles. He was promoted to Chief and in</p> <p>11 their contract, the previous one, stated that they would</p> <p>12 use seniority as a means of promotion. I was the senior</p> <p>13 paramedic fireman.</p> <p>14 They switched unions and either that</p> <p>15 language was removed. The City Manager who I had issues</p> <p>16 with in the past wanted the seniority element to be</p> <p>17 removed. They initiated some testing, written testing. I</p> <p>18 took the test. I complied with all the requirements.</p> <p>19 They were upset that I was concerned about the process</p> <p>20 that they were using and then I did the interview.</p> <p>21 They said that I scored the highest on the</p> <p>22 interview. I don't recall seeing my test scores.</p> <p>23 Everybody else knew what my test scores were but me, and</p> <p>24 I was discharged.</p> <p>25 Q And were there any specific charges drafted against you</p>	<p>1 A That's correct. He at the time separated from Detroit to</p> <p>2 pursue employment with the City of Livonia.</p> <p>3 Q So he was a former City employee that was going to</p> <p>4 Livonia?</p> <p>5 A Permanent. That's correct. He was the one that was</p> <p>6 instrumental in putting myself and Assistant Chief</p> <p>7 Raymond Birch at the time in contact.</p> <p>8 Q Okay. Do you know when he left the City of Detroit?</p> <p>9 A I don't recall.</p> <p>10 Q Okay. So you had a Garrity Interview. What happened</p> <p>11 after the Garrity Interview?</p> <p>12 A They informed me that I was going to have a Loudermill</p> <p>13 Hearing.</p> <p>14 Q Did that hearing go forward?</p> <p>15 A I'm sorry?</p> <p>16 A Did that hearing go forward?</p> <p>17 A That's correct.</p> <p>18 Q And when did that hearing go forward?</p> <p>19 A I don't recall when the date was. It was probably a</p> <p>20 couple weeks after the Garrity.</p> <p>21 Q And then what happened at the Loudermill Hearing?</p> <p>22 A They just told me the person who was conducting the</p> <p>23 meeting which was not the City Manager, I really don't</p> <p>24 know who he was. He just told me that they didn't</p> <p>25 believe anything I had to say and that concluded the</p>

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Page 31	<p>1 meeting.</p> <p>2 Q Did you ever receive written charges?</p> <p>3 A No.</p> <p>4 Q No. Did you appeal the discipline?</p> <p>5 A The Union sent me an email. At first, they had a</p> <p>6 representative from the Union. I can't remember his</p> <p>7 name. He was a retired policeman with the City of</p> <p>8 Woodhaven that somehow he managed to become our</p> <p>9 bargaining agent for same city that he retired from and</p> <p>10 he left the Union, so I had no representation and then at</p> <p>11 the time I was told by the full-time Union representative</p> <p>12 that Gerald James would be overseeing my case with the</p> <p>13 City of Woodhaven.</p> <p>14 Q Did Gerald James work for the City of Woodhaven?</p> <p>15 A No. He was a representative with the Michigan</p> <p>16 Association of Fire Fighters.</p> <p>17 Q And what did they have to do with your Union procedure,</p> <p>18 if you know?</p> <p>19 A Because it was a discharge and I don't recall seeing what</p> <p>20 the process was, my understanding is that I was</p> <p>21 represented by the business agent for the Union and</p> <p>22 because he left, they were going to have Gerald James</p> <p>23 look at it and he was going to look into the matter and</p> <p>24 then they abruptly turned it over to somebody else which</p> <p>25 I don't remember what his name is.</p>	Page 33	<p>1 hearing that they had. I don't remember what they called</p> <p>2 it. It was another meeting.</p> <p>3 Q And what happened at that meeting?</p> <p>4 A The gentleman that was my representative said that we're</p> <p>5 going to tell them that their allegations are baseless,</p> <p>6 that there's nothing to support whatever their</p> <p>7 allegations are and that we're going to proceed through</p> <p>8 the process.</p> <p>9 Q Is that process still ongoing or is it concluded?</p> <p>10 A No. I received a letter from the Union stating that they</p> <p>11 were not going to pursue the grievance.</p> <p>12 Q And when did you receive that letter?</p> <p>13 A It was an email.</p> <p>14 Q Do you know when you received that?</p> <p>15 A Probably about three weeks ago.</p> <p>16 Q And is there any appeal process or is that the end of the</p> <p>17 grievance procedure?</p> <p>18 A I thought about contacting the Michigan Employment</p> <p>19 Relations Commission to challenge the Union's decision</p> <p>20 and the Employer's decision to terminate initially.</p> <p>21 Q And did you contact MERC?</p> <p>22 A Not yet.</p> <p>23 Q So is that something you're still considering?</p> <p>24 A I've have issues with this Union before when I was</p> <p>25 working with the City of Flat Rock which was in between</p>
Page 32	<p>1 Q So it went from Gerald James to somebody else?</p> <p>2 A That's correct.</p> <p>3 Q What Union were you in at Woodhaven?</p> <p>4 A The Michigan Association of Fire Fighters.</p> <p>5 Q Do you know how the Hearing Officer – I don't know if</p> <p>6 that's the right term. Are they called Hearing Officers?</p> <p>7 Do you know what they're called that oversee the</p> <p>8 discipline cases?</p> <p>9 A To my understanding, they're referred to as a business</p> <p>10 agent.</p> <p>11 Q So Gerald James would have been the business agent?</p> <p>12 A I don't know what his title is there, but he was assuming</p> <p>13 the role.</p> <p>14 Q Okay. And do you know how the business agent position</p> <p>15 is, like, are there more than one business agent?</p> <p>16 A I have no idea what their organizational structure is.</p> <p>17 Q And for your Union was there a Local or was it just</p> <p>18 Michigan Association of Fire Fighters?</p> <p>19 A It was a Local.</p> <p>20 Q And do you know your Local?</p> <p>21 A I don't recall what the number was.</p> <p>22 Q Okay. And so then it went from Gerald James to somebody</p> <p>23 else and you said you don't recall that individual's</p> <p>24 name. Correct?</p> <p>25 A That's correct. I met him one time. It was another</p>	Page 34	<p>1 Riverview and Woodhaven.</p> <p>2 Q Let's talk about you said City of Flat Rock?</p> <p>3 A That's correct.</p> <p>4 Q And when did you work for the City of Flat Rock?</p> <p>5 A Around the time that I was discharged from Riverview. I</p> <p>6 would say probably 2016.</p> <p>7 Q And when did you leave the City of Flat Rock?</p> <p>8 A I was there for pretty much the duration of the time that</p> <p>9 I was terminated from Riverview, so around the time when</p> <p>10 I think it was the summer or the fall of 2017.</p> <p>11 Q So did you leave Flat Rock when you went back to</p> <p>12 Riverview?</p> <p>13 A No. I was actually maintaining employment with three</p> <p>14 departments.</p> <p>15 Q So you maintained employment with Flat Rock while still</p> <p>16 at Riverview?</p> <p>17 A When I was coming back to Riverview.</p> <p>18 Q Are you still working with Flat Rock?</p> <p>19 A No.</p> <p>20 Q Do you know when that employment relationship ended?</p> <p>21 A I want to say I know they weren't happy with the fact</p> <p>22 that I told them that I was returning to Detroit, that I</p> <p>23 was pursuing returning back to the City of Detroit. I</p> <p>24 want to say, you know, honestly, I don't recall the exact</p> <p>25 date.</p>

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Page 35	<p>1 Q Can you give me a year; 2017, 2018?</p> <p>2 A Probably 2018.</p> <p>3 Q And why did you leave the City of Flat Rock?</p> <p>4 A I was supposed to come off probation the preceding year</p> <p>5 which was 2017 on or about December 6th or 7th. I made</p> <p>6 an agreement to have a 12-month probation. At that time,</p> <p>7 I would come off probation and be on the roster as a</p> <p>8 part-time fireman/paramedic.</p> <p>9 My probation was extended, but it was</p> <p>10 never articulated to me why and the Union declined to</p> <p>11 file a grievance to force the city to decide if I was</p> <p>12 going to be coming off probation or not. After returning</p> <p>13 from a call where a seven year old was unresponsive in a</p> <p>14 mobile home park, there was some issue with the response</p> <p>15 time and the next day I was interviewed by the Assistant</p> <p>16 Chief who was assuming the role of the Chief because the</p> <p>17 current Chief Vack, V-a-c-k, William Vack, was on medical</p> <p>18 and the then Chief who is now the Mayor was assuming the</p> <p>19 role of the Fire Chief and terminated my employment as a</p> <p>20 result of their investigation about the call.</p> <p>21 Q And go ahead. You said it was alleged. What was the</p> <p>22 allegation?</p> <p>23 A That I was encouraging the woman to file a complaint</p> <p>24 against the city for the poor response time which I</p> <p>25 didn't do.</p>	Page 37	<p>1 Flat Rock Fire Department and when I asked fire fighter</p> <p>2 Tim Webb who was the Union President for our Local, he</p> <p>3 said that I would have to talk to Mr. O'Connor about it</p> <p>4 and when I spoke to him, Mr. O'Connor, I said, "You know,</p> <p>5 I went through a lot with this department with harassment</p> <p>6 and changing the guidelines to complete probation and all</p> <p>7 the other things that happened during my employment</p> <p>8 there, including comments that were made and things that</p> <p>9 were said that were outrageous."</p> <p>10 He stated to me, "Why would you want to</p> <p>11 work for a department like that anyway," which to me it</p> <p>12 didn't seem like, my perception is that they weren't</p> <p>13 going to pursue any grievance for the discharge.</p> <p>14 Q So for their grievance process would you have to file a</p> <p>15 grievance or is it the Union's choice?</p> <p>16 A To my understanding, it's the Union's choice if they're</p> <p>17 going to pursue filing a grievance.</p> <p>18 Q And did they pursue filing a grievance in that case?</p> <p>19 A No.</p> <p>20 Q So you were discharged from Flat Rock. Did anything</p> <p>21 occur after that?</p> <p>22 A Could you repeat that?</p> <p>23 Q After you were discharged from Flat Rock, did you have</p> <p>24 any other interaction with Flat Rock?</p> <p>25 A I had a lawsuit pending after my discharge.</p>
Page 36	<p>1 Q And did you receive written discipline in that case?</p> <p>2 A I heard that there was some complaint that a Sergeant</p> <p>3 made about insubordination. I never seen anything, but</p> <p>4 it implied that we didn't do our station duties prior to</p> <p>5 the shift change which he was assuming command of the</p> <p>6 shift and the person who was in charge was a lower</p> <p>7 licensed level than me, but because of his seniority,</p> <p>8 that put him in charge and told we needed to do the</p> <p>9 duties and he found something better to do.</p> <p>10 Then when there was an issue about why</p> <p>11 those duties weren't done, I told him that he could just</p> <p>12 talk to the duty officer and he declined. He wanted to</p> <p>13 hear it from me and I told him I was working on my EMS</p> <p>14 report and that's what my delay was and he didn't like</p> <p>15 the answer I gave him.</p> <p>16 Q Did you have a partner on that run?</p> <p>17 A That's correct.</p> <p>18 Q And was your partner disciplined?</p> <p>19 A No.</p> <p>20 Q Were you in a Union at Flat Rock?</p> <p>21 A That's correct.</p> <p>22 Q And what was that Union?</p> <p>23 A Michigan Association of Fire Fighters.</p> <p>24 Q And did you appeal that discharge?</p> <p>25 A At the time, Joe O'Connor was the business agent for the</p>	Page 38	<p>1 Q Okay. And what were the claims in that lawsuit?</p> <p>2 A Well, the Fire Department was operating with expired</p> <p>3 equipment which I repeatedly reported and the day after</p> <p>4 my discharge, two people were murdered in the community</p> <p>5 and the response was from an ambulance that had under-</p> <p>6 licensed personnel in an ambulance that was set up for</p> <p>7 advanced life support and their concern was that I was</p> <p>8 going to report it to the State if they didn't make those</p> <p>9 changes. I had done - I'm sorry. Your question?</p> <p>10 Q No, go ahead. You can continue. I didn't mean to cut</p> <p>11 you off.</p> <p>12 A I just took issues with the department as an operator</p> <p>13 from the standpoint that I was reporting expired</p> <p>14 equipment as well as working with under-licensed staff</p> <p>15 doing procedures that were not in their scope of practice</p> <p>16 and I was uncomfortable with the fact that they were</p> <p>17 doing these procedures and then they would transfer care</p> <p>18 to me which I would essentially take the person to the</p> <p>19 hospital and have to explain, you know, what they did</p> <p>20 prior to me getting there and so on and so forth and I</p> <p>21 just kept raising the issue that at some point I wasn't</p> <p>22 trying to make decisions there for them, but I think that</p> <p>23 some other Commander made some poor decisions as far as</p> <p>24 transferring care to lower licensed personnel which</p> <p>25 they're not supposed to do and just different things like</p>

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Page 39	<p>1 that and then they just wanted me to explain it and I</p> <p>2 just didn't feel comfortable doing it.</p> <p>3 Q And what was the result of that lawsuit?</p> <p>4 A It was settled.</p> <p>5 Q And when was that lawsuit settled?</p> <p>6 A Officially, I don't know.</p> <p>7 Q Was it recently or a few years ago?</p> <p>8 A Recently.</p> <p>9 Q So would it be the last year or the year before?</p> <p>10 A This year.</p> <p>11 Q This year. So 2022 or 2023?</p> <p>12 A I stand corrected. It was 2022.</p> <p>13 Q I just want to make sure. One of those odd situations</p> <p>14 where that's actually relevant today, five days ago.</p> <p>15 A I just want to state if I can to the attorney that my</p> <p>16 employment with Flat Rock, the City of Flat Rock, was</p> <p>17 quite contentious because the first day that I started</p> <p>18 there, one of the Sergeants, Ray Rich, approached me and</p> <p>19 said, he stated, "I don't like what you did in the City</p> <p>20 of Detroit and I don't like what you did in Riverview and</p> <p>21 I'm not going to tolerate any of that here. If I feel</p> <p>22 that you're going to do any of those things, you're going</p> <p>23 to be out of here."</p> <p>24 Q Go ahead. I'm just going to ask, who's Ray did you say</p> <p>25 Rick or Rich?</p>	Page 41	<p>1 I brought awareness to the community</p> <p>2 through Facebook that there were issues with staffing and</p> <p>3 that if they needed an ambulance, that they needed to</p> <p>4 raise their concerns with City Hall. I was a Union</p> <p>5 representative at the time. My activities were</p> <p>6 protected.</p> <p>7 I felt that it was a danger to the public</p> <p>8 and they had a right to know and in Flat Rock it was the</p> <p>9 issue about the fact that this lady called for an</p> <p>10 ambulance and one didn't show up because the police</p> <p>11 department failed to initiate the ambulance response and</p> <p>12 the call was held up and they took issue with the fact</p> <p>13 that if I raised concerns about the response times and</p> <p>14 lack of response times in the City of Detroit, that I</p> <p>15 could potentially do that in the City of Flat Rock.</p> <p>16 MR. SHEAROUSE: Jason, real quick, can we</p> <p>17 take a quick five minute break so that I can get some</p> <p>18 more water?</p> <p>19 MR. MCFARLANE: Sure, no problem. We'll</p> <p>20 come back at 11:10.</p> <p>21 MR. SHEAROUSE: Thank you.</p> <p>22 (At 11:04 a.m., recess taken)</p> <p>23 (At 11:13 a.m., back on the record)</p> <p>24 Q (By Mr. McFarlane) Let's continue where we left off, Mr.</p> <p>25 Cadoura. Where did you work after the City of Riverview?</p>
Page 40	<p>1 A Rich; R-i-c-h.</p> <p>2 Q And who is that?</p> <p>3 A He was a Sergeant with the Flat Rock Fire Department. I</p> <p>4 never had any interactions with him outside of that.</p> <p>5 Q Was he your Sergeant?</p> <p>6 A He was one of the command officers that was there, not</p> <p>7 directly over me that particular day. I believe I was</p> <p>8 there to secure some equipment, you know, like PPE they</p> <p>9 call it, Personal Protective Equipment, to start</p> <p>10 responding to calls and uniforms and so on.</p> <p>11 Q And you said you had no interaction with him after that</p> <p>12 date?</p> <p>13 A That particular day, but as I would come in from home</p> <p>14 responding to calls, I would have direct interaction with</p> <p>15 him until they put me on shift which happened about six</p> <p>16 months. With all due respect, there seemed to be some</p> <p>17 theme where even with my employment with the City of</p> <p>18 Detroit that there was an issue with response times and</p> <p>19 personnel and other issues as far as, you know, the</p> <p>20 ambulances running, are they equipped to run, were there</p> <p>21 enough, were they available, and the issue with Riverview</p> <p>22 was the fact that they were concerned about if I was</p> <p>23 going to be able to dedicate a time because they were</p> <p>24 down an ambulance every day which was part of the reason</p> <p>25 why I was originally discharged.</p>	Page 42	<p>1 A I was still employed with the Woodhaven Fire Department</p> <p>2 and Flat Rock.</p> <p>3 Q And was that in 2018?</p> <p>4 A In the beginning.</p> <p>5 Q And are you employed by Woodhaven and Flat Rock still?</p> <p>6 A No.</p> <p>7 Q Are you currently employed?</p> <p>8 A That's correct.</p> <p>9 Q And where are you currently employed?</p> <p>10 A At Octapharma Plasma.</p> <p>11 Q And can you spell that?</p> <p>12 A O-c-t-a-p-h-a-r-m-a.</p> <p>13 Q And what did you do there?</p> <p>14 A I'm what's referred to as a physician substitute.</p> <p>15 Q And what are your job duties?</p> <p>16 A To perform physicals on prospective plasma donation</p> <p>17 candidates.</p> <p>18 Q And when did you start working there?</p> <p>19 A I believe it was August 2021.</p> <p>20 Q Was there ever a time where you were unemployed from any</p> <p>21 position? Was there ever a time where you went without</p> <p>22 an employer?</p> <p>23 A No.</p> <p>24 Q Okay. So between where you are – any other positions</p> <p>25 that you are currently employed other than Octapharma</p>

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<p>1 Plasma?</p> <p>2 A No.</p> <p>3 Q Okay. So how many hours do you work there?</p> <p>4 A Anywhere between, well, we're required to work full-time</p> <p>5 hours which is anywhere between 32 and 40.</p> <p>6 Q And how many hours do you actually work?</p> <p>7 A It was a busy time this last year. They were low on the</p> <p>8 position that I carry and I was promoted to a travel</p> <p>9 position substitute, so I would travel to different</p> <p>10 centers.</p> <p>11 They're required to have medical staff on</p> <p>12 site in order to stay open and without medical personnel</p> <p>13 on staff, they can't operate.</p> <p>14 Q So how many hours were you putting in a week?</p> <p>15 A Anywhere between 40 and 70.</p> <p>16 Q And are you paid hourly or salary?</p> <p>17 A Hourly.</p> <p>18 Q And what's your hourly rate?</p> <p>19 A Probably anywhere between I think the last that I knew</p> <p>20 was \$30.57 an hour.</p> <p>21 Q I'm sorry. I missed that. Could you repeat that?</p> <p>22 A \$30.57 per hour.</p> <p>23 Q And do you have any benefits?</p> <p>24 A Full-time health benefits.</p> <p>25 Q Any dental?</p>	<p>1 would be required to be stationed and they had some of</p> <p>2 the highest recording Benzene levels in the world which</p> <p>3 are toxic and I just didn't want to be exposed to.</p> <p>4 Q After, other than that, have you done any other</p> <p>5 employers?</p> <p>6 A I worked for Hillsdale County EMS.</p> <p>7 Q And when did you work for Hillsdale?</p> <p>8 A It was a couple months.</p> <p>9 Q And why did you leave Hillsdale?</p> <p>10 A The pay.</p> <p>11 Q And where did you go when you left Hillsdale?</p> <p>12 A Well, I was still working with Woodhaven.</p> <p>13 Q When did you leave Woodhaven?</p> <p>14 A I believe it was October or November of last year, 2022.</p> <p>15 Q And why did you leave Woodhaven?</p> <p>16 A I was discharged.</p> <p>17 Q Have we talked about that one already?</p> <p>18 A That's correct.</p> <p>19 Q I'm just trying to make sure. I got it. Okay. Any</p> <p>20 other employers between Riverview and present?</p> <p>21 A That I can recall off the top of my head, no.</p> <p>22 Q Okay.</p> <p>23 A I was working with Riverview when I became a paramedic in</p> <p>24 2008, so my employment with them ran concurrent with</p> <p>25 Detroit up until I thought was my</p>
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<p>1 A Yes.</p> <p>2 Q Any vision?</p> <p>3 A Yes.</p> <p>4 Q Any pension or 401(k)?</p> <p>5 A 401(k).</p> <p>6 Q And were there any other employers that we haven't</p> <p>7 discussed between Riverview and Octapharma Plasma?</p> <p>8 A I worked for a company called DM Care Express.</p> <p>9 Q Okay. And when did you work for them?</p> <p>10 A I'd probably say anywhere between 2015 and 2017.</p> <p>11 Q And what did you do there?</p> <p>12 A I was part of the event staff. I was a paramedic.</p> <p>13 Q And why did you leave DM Care?</p> <p>14 A A scheduling conflict between Woodhaven and Flat Rock.</p> <p>15 Q Are there any other employers that we haven't discussed?</p> <p>16 A U.S. Steel.</p> <p>17 Q And when did you work at U.S. Steel?</p> <p>18 A I would say in the spring of 2017.</p> <p>19 Q And how long did you work at U.S. Steel?</p> <p>20 A About two weeks, a little over two weeks.</p> <p>21 Q And why did that employment end?</p> <p>22 A I resigned because I would not climb a 30-story blast</p> <p>23 furnace without a safety harness. I thought the safety</p> <p>24 standards there were lacking. I didn't think that – not</p> <p>25 to mention, Zug Island is one of their facilities which I</p>	<p>1 resignation/termination. I really don't know what you</p> <p>2 call it.</p> <p>3 Q Did you fill out any documents when you left the City of</p> <p>4 Detroit?</p> <p>5 A At the time they switched over to a computer system where</p> <p>6 we would clock in and clock out and we used to sign in on</p> <p>7 a sheet, a payroll sheet, and then we would log into the</p> <p>8 journal which would open and close a shift and then we</p> <p>9 would record any overtime and so on and then they</p> <p>10 switched to a computer system where we would clock in and</p> <p>11 clock out and then anything that the administration would</p> <p>12 need, we would do – it was a fairly new computer system,</p> <p>13 so I was still trying to figure it out.</p> <p>14 We still would write letters and so on as</p> <p>15 requested because they would have to initiate multiple</p> <p>16 copies and then they would have to sign one. They would</p> <p>17 have to sign them all and then return one to us and then</p> <p>18 keep the other two.</p> <p>19 Q When you resigned from the City of Detroit did you fill</p> <p>20 out a resignation form?</p> <p>21 A I wrote a letter. I either wrote it or I sent it in an</p> <p>22 email. I don't recall which one because I never received</p> <p>23 a copy, to my knowledge.</p> <p>24 Q I'm going to show you we'll mark – I think we're on</p> <p>25 Exhibit 5 if I'm correct?</p>

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<p>1 REPORTER: Yes, Exhibit 5.</p> <p>2 (At 11:23 a.m., Defendant's</p> <p>3 Exhibit 5 marked)</p> <p>4 Q (By Mr. McFarlane) Let me share this. Have you seen</p> <p>5 this document before, sir?</p> <p>6 A I don't remember it, but it does look like my writing.</p> <p>7 Q Does this appear to be your signature here?</p> <p>8 A That's correct.</p> <p>9 Q Okay. Have you ever seen this document filled out below</p> <p>10 your signature before?</p> <p>11 A No.</p> <p>12 Q Have you ever requested your personnel file from the City</p> <p>13 of Detroit?</p> <p>14 A I did.</p> <p>15 Q And when did you do that?</p> <p>16 A After I was told that I couldn't return to the department</p> <p>17 when I received a call from Ms. Brown.</p> <p>18 Q And did you ever receive a copy of that personnel file?</p> <p>19 A I did from the City of Detroit Law Department, not from</p> <p>20 the Fire Department. I received a call from an attorney</p> <p>21 from the Law Department and when I called her back – I</p> <p>22 don't recall what her name was, but she said I'm looking</p> <p>23 at a FOIA request for your employee file and I said,</p> <p>24 "That's correct." She said, "I'm curious why they just</p> <p>25 didn't give it to you, why they forwarded it here." I</p>	<p>1 accommodated for time off and the money was good for the</p> <p>2 position that I was carrying and to be honest with you, I</p> <p>3 carried a lot of responsibility. I haven't found a job</p> <p>4 like that since. I enjoy what I do at the plasma center,</p> <p>5 but that job was the best.</p> <p>6 The money, I was very well paid by the</p> <p>7 City. What I wanted to do was to become a paramedic to</p> <p>8 make more, carry on more responsibility. I wanted to</p> <p>9 transfer to the Fire Fighting Division, which I wasn't</p> <p>10 allowed to do, but there was no growth and there was no</p> <p>11 opportunity to promote to Lieutenant or maybe even a</p> <p>12 Captain and I wanted to retire from that place and I</p> <p>13 would have been doing it this year.</p> <p>14 Damages are far more than economic. I</p> <p>15 loved that place.</p> <p>16 Q Let's take it in turn. So economic damages, what</p> <p>17 specific damages regarding economics? Are there any that</p> <p>18 you can tell me that you're claiming here?</p> <p>19 A I believe so. I believe that if I was able to follow the</p> <p>20 natural progression from being a paramedic which their</p> <p>21 pay last I was made aware was around \$28, and that I was</p> <p>22 told with the ability – they asked me upon returning if I</p> <p>23 was going to consider going to the Fire Academy, which I</p> <p>24 expressed interest that I was going to try to become a</p> <p>25 fireman there and they now have a cross-position pay</p>
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<p>1 said, "I don't have a clue either." Then she said, "Give</p> <p>2 us about two weeks to review the file to make sure that</p> <p>3 nobody else's names or anything appears in there and that</p> <p>4 it doesn't violate HIPPA," or, I'm sorry, not HIPPA, the</p> <p>5 guidelines, the federal guidelines for the collection of</p> <p>6 information on our EMS run reports as well as just</p> <p>7 protecting the names of other technicians and so on.</p> <p>8 Then I was told that the file was ready to</p> <p>9 be picked up. I went down to, I believe, the City-County</p> <p>10 Building. I was told that I had to pay ten cents per</p> <p>11 page, I believe. They told me it was \$33.00 I believe</p> <p>12 and .10 cents because it was 300 or so pages.</p> <p>13 Q Okay. I want to talk about the damages that you're</p> <p>14 alleging in this case. Are there any economic damages</p> <p>15 that you're alleging you suffered in this lawsuit?</p> <p>16 A I want to be clear that serving with the Detroit Fire</p> <p>17 Department was probably by far the best job that I ever</p> <p>18 had. It was an honor and a privilege serving the</p> <p>19 community, being recognized as an Emergency Medical</p> <p>20 Technician with the Fire Department and as a result of</p> <p>21 things that went on over there with, you know, the</p> <p>22 exposure of the response times and the personnel issues</p> <p>23 and everything else that went on there, the job schedule</p> <p>24 was, I mean, to nobody else.</p> <p>25 We had the best schedule ever that</p>	<p>1 which was an increase.</p> <p>2 I was talking to somebody the other day. I</p> <p>3 can't remember who it was. In passing they said that a</p> <p>4 lot of people were leaving the job because they were</p> <p>5 promised crossover pay which is crossover meaning that</p> <p>6 you're a fire fighter and you're an EMT or you're a</p> <p>7 firefighter and you're a paramedic and that they hire</p> <p>8 people at a higher rate than what the current EMT</p> <p>9 position carries or what the current paramedic position</p> <p>10 carries and, I mean, I could have been a fireman there</p> <p>11 working eight days a month and could have pursued outside</p> <p>12 employment if I wanted to or worked overtime when it</p> <p>13 became available.</p> <p>14 I really don't know what the possibilities</p> <p>15 could have been financially or personally. I mean, to</p> <p>16 try to obtain one of the highest positions in the Fire</p> <p>17 Department, I worked with Mr. Larkins who is the current</p> <p>18 sitting EMS Administrator and he was my paramedic</p> <p>19 partner.</p> <p>20 I worked with him for years. I thought it</p> <p>21 was the greatest thing that he got promoted to be the EMS</p> <p>22 Chief there. Did I have aspirations of joining his</p> <p>23 administration some day and possibly passing down what I</p> <p>24 learned on the job to younger people to make it a safer</p> <p>25 environment for them, I really don't know what would</p>

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Page 51	<p>1 happen.</p> <p>2 Q Okay. You talk about emotional or psychological damages.</p> <p>3 Are you claiming any of those here?</p> <p>4 A I don't know if that's included, but I can tell you</p> <p>5 respectfully, that is a highly trained Fire Department.</p> <p>6 The things that we do there are not done anywhere. When</p> <p>7 I applied with other departments to go work, they had a</p> <p>8 real problem with the fact that I did some things that</p> <p>9 they'll never do in their entire career and it was just</p> <p>10 over one weekend, so there was a lot of backlash with the</p> <p>11 experience that I had from Detroit.</p> <p>12 There were a lot of people that talked</p> <p>13 about wanting to work there, but they didn't have the</p> <p>14 courage to go through the training or to even apply let</p> <p>15 alone go through the training and pass it to become one</p> <p>16 of the best EMTs or firemen or paramedics in the world.</p> <p>17 I would put them against people in New</p> <p>18 York, LA, Miami, anywhere, and because of the things that</p> <p>19 happened in Detroit as far as being on TV, being on the</p> <p>20 news, and reporting the issues that were going on there,</p> <p>21 maybe my employers took notice of that and that I could</p> <p>22 possibly potentially do that at their place of employment</p> <p>23 which they did have issues like the City of Detroit did.</p> <p>24 No other departments are immune from the</p> <p>25 type of problems that the City of Detroit had with</p>	Page 53	<p>1 He seemed enthusiastic at the time. There was a – I</p> <p>2 don't remember his first name, but his last name was</p> <p>3 Kazinski (phonetic), I believe.</p> <p>4 Kazinski. I'm not sure how to spell that.</p> <p>5 It starts with a K, and we messaged back and forth on the</p> <p>6 Facebook messenger and he told me that they needed me to</p> <p>7 come back to mentor some of the younger kids that didn't</p> <p>8 know what we experienced and what we went through.</p> <p>9 Between those years after I exposed the</p> <p>10 issues with a fellow co-worker about the issues with</p> <p>11 response times and so on that was going on, so I believe</p> <p>12 that there was a positive element to me returning.</p> <p>13 I'm not, you know, the second coming,</p> <p>14 respectfully. I'm not the - I'm just one person, but I</p> <p>15 believe that when I worked there, I had a lot of</p> <p>16 credibility, had a lot of respect from the people that I</p> <p>17 worked with and I was going to do my part to help move</p> <p>18 the department forward and not knowing that I wasn't</p> <p>19 going to be able to come back for whatever reason, I was</p> <p>20 devastated.</p> <p>21 I believe that I started my EMS career</p> <p>22 there even though I had a couple of years experience</p> <p>23 with, you know, Community Ambulance and Health Link, but</p> <p>24 I believe that the day that I started that job with</p> <p>25 Detroit was really the beginning of my career and I</p>
Page 52	<p>1 personnel issues, staffing, the vehicles, maintenance,</p> <p>2 and response times. I mean, it's a problem nationally.</p> <p>3 Q Have you sought – I'm sorry. I thought you were done.</p> <p>4 A No. I think – I don't think I ever really left there. I</p> <p>5 think that my heart and my mind was always there. I was</p> <p>6 still concerned about the personnel during COVID and</p> <p>7 whatever issues were happening and I felt helpless.</p> <p>8 Like, I couldn't do anything for them. I felt that I</p> <p>9 should have been there working with them.</p> <p>10 Q Have you sought any treatment for any emotional or</p> <p>11 psychological injuries?</p> <p>12 A I was diagnosed with PTSD.</p> <p>13 Q And when was that?</p> <p>14 A I don't recall. Probably sometime after I left.</p> <p>15 Q Was that prior to the events of this lawsuit?</p> <p>16 A That's correct.</p> <p>17 Q Have you sought any treatment after the events of this</p> <p>18 lawsuit?</p> <p>19 A Just, you know, I received a lot of calls from people</p> <p>20 that either were still currently working there or had</p> <p>21 worked there. They stated that they heard I was coming</p> <p>22 back. There seemed some element of excitement. I</p> <p>23 messaged Joe Barney on Facebook messenger.</p> <p>24 I told him that I appreciated any possible</p> <p>25 way that he could help, you know, in returning me back.</p>	Page 54	<p>1 wanted it to end there.</p> <p>2 Q So after you were told that you couldn't return to the</p> <p>3 City of Detroit, did you seek any treatment for any</p> <p>4 emotional or psychological injuries?</p> <p>5 A I talked to a therapist about, you know, that issue. I</p> <p>6 also tried talking to the EAP representative, I believe,</p> <p>7 assistance. It was through the Chaplin Core with the</p> <p>8 Detroit Fire Department at the time. He's now deceased.</p> <p>9 At the time it was Reverend McNeely. M-c-N-e-e-l-y, I</p> <p>10 believe. I went and spoke to him personally, told him</p> <p>11 that I couldn't understand the issues that I was going</p> <p>12 through with the Fire Department as far as the repeated</p> <p>13 discipline, the suspensions, just the overall treatment</p> <p>14 from some of my Lieutenants and Captains and there was a</p> <p>15 fair percentage of them that were providing the</p> <p>16 information to leak to the media about some of the</p> <p>17 current situations that were going on in the department.</p> <p>18 Why they didn't go and report those issues</p> <p>19 themselves, I don't know.</p> <p>20 Q When did you speak to Reverend McNeely?</p> <p>21 A I believe when I was on light duty as a result of not</p> <p>22 being able to shave every day. They wanted me to wear a</p> <p>23 hood in the event that we were exposed to somebody who</p> <p>24 was having symptoms of hepatitis or tuberculosis, that we</p> <p>25 would have to don our respiratory protection and to my</p>

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<p>1 understanding that those filters were one time use.</p> <p>2 Those things were very expensive for the City to buy and</p> <p>3 they claimed that they would only buy one for me and</p> <p>4 wouldn't pay for the replacement filters or cartridges</p> <p>5 and there were other people that had them and never used</p> <p>6 them, but I spoke to Reverend McNeely about the issues</p> <p>7 that were going on.</p> <p>8 He said that he would talk to some of the</p> <p>9 administrators to find out what the issues were. I spoke</p> <p>10 with the Commissioner. Well, actually, I never met the</p> <p>11 Commissioner although every time I faced a suspension or</p> <p>12 I was placed off duty for talking to somebody in the</p> <p>13 media or it was alleged that I was talking to somebody</p> <p>14 from the media, I would immediately be placed on</p> <p>15 administrative leave pending a Commissioner's hearing.</p> <p>16 I never actually – the only Commissioner</p> <p>17 that I ever met was Don Austin. He was a Fire</p> <p>18 Commissioner for a short time. I met him on duty as well</p> <p>19 as off duty to address my concerns about the issues that</p> <p>20 were going on relevant to my discipline, my multiple</p> <p>21 suspensions.</p> <p>22 It just seemed like there was no</p> <p>23 resolution to anything that was going on there. If I</p> <p>24 would be called in because I was being disciplined, the</p> <p>25 first thing they would tell me is that it's not</p>	<p>1 didn't have insurance after I left the City, which again</p> <p>2 was a hardship. They have very good health insurance. I</p> <p>3 didn't pay anything for like ten years, and they started</p> <p>4 charging us or having, you know, I don't know what they</p> <p>5 call it, not co-pays, but we would have to pay a certain</p> <p>6 amount for our insurance which wasn't a big deal.</p> <p>7 You know, we were very well paid, so I</p> <p>8 didn't have an issue with that, but when I went on</p> <p>9 Medicaid, I had to go to a guidance center that accepted</p> <p>10 people without insurance.</p> <p>11 Q And when was that?</p> <p>12 A Probably – I don't recall, honestly.</p> <p>13 Q You got a year?</p> <p>14 A It might have been about 2018 right around the time when</p> <p>15 I knew that I wasn't coming back to the City.</p> <p>16 Q And who did you see in 2018?</p> <p>17 A I don't recall her name.</p> <p>18 Q And what was the place you went to?</p> <p>19 A The Guidance Center.</p> <p>20 Q And where is that located?</p> <p>21 A In Southgate.</p> <p>22 Q And you saw, you said it was a female doctor?</p> <p>23 A It was a therapist. Well, there was a psychiatrist</p> <p>24 there. I spoke with her briefly and there was a</p> <p>25 therapist that they assigned me.</p>
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<p>1 adversarial. They would tell me what the charge is, what</p> <p>2 the penalty is, and then I would go on immediate</p> <p>3 suspension without being able to explain the situation to</p> <p>4 determine if there was a misunderstanding or something</p> <p>5 that could have resolved the issue and I could have been</p> <p>6 replaced back to duty.</p> <p>7 It did happen one time which I was shocked</p> <p>8 that I was returned back to the field and not suspended.</p> <p>9 Q And is it fair to say that you met with Reverend McNeely</p> <p>10 before you resigned from the City?</p> <p>11 A That's correct. I was assigned to Fire Department</p> <p>12 Headquarters which was at 250 West Larned. It's</p> <p>13 currently not in existence anymore, but at the time I was</p> <p>14 assigned there and had to carry out various</p> <p>15 administrative duties and he was on the same floor we</p> <p>16 were on.</p> <p>17 So I remember going to his office. I would</p> <p>18 say good morning to him every morning.</p> <p>19 Q You mentioned that you saw a therapist. When did you see</p> <p>20 a therapist?</p> <p>21 A I can't recall. Probably sometime after that.</p> <p>22 Q Was it prior to 2017?</p> <p>23 A That's correct.</p> <p>24 Q Have you seen a therapist since 2017?</p> <p>25 A I was seeing one and then I met a different one. I</p>	<p>1 Q And you don't recall her name?</p> <p>2 A No.</p> <p>3 Q And how many times did you see her?</p> <p>4 A Probably once a week.</p> <p>5 Q For how long?</p> <p>6 A Until we got insurance through HAP and then I was no</p> <p>7 longer on Medicaid, so I couldn't, we couldn't</p> <p>8 participate in that program anymore because of the fact</p> <p>9 that we have good health insurance.</p> <p>10 Q And when you say you got insurance, who did you get that</p> <p>11 insurance through?</p> <p>12 A HAP; Health Alliance Plan.</p> <p>13 Q Did you get that through an employer or on your own?</p> <p>14 A No, through my wife. She was employed with Henry Ford</p> <p>15 Hospital.</p> <p>16 Q And did you see anybody after that?</p> <p>17 A No.</p> <p>18 Q And do you recall approximately when your wife got that</p> <p>19 insurance?</p> <p>20 A I don't recall when she was employed there.</p> <p>21 Q Do you recall how many times you saw the therapist?</p> <p>22 A It was a handful of times. Maybe ten times, maybe less,</p> <p>23 maybe more. She took a position with the hospital, I</p> <p>24 believe, and the psychiatrist was leaving, too, and</p> <p>25 around that time they couldn't find – I think I spoke to</p>

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Page 59	<p>1 another lady.</p> <p>2 I can't remember her name. I think I</p> <p>3 spoke to her once.</p> <p>4 Q And were you ever diagnosed with anything from that</p> <p>5 therapist?</p> <p>6 A I believe they told me it was PTSD related from the job.</p> <p>7 Q Did they say specifically which job?</p> <p>8 A I don't recall. I focused a lot about the beginning of</p> <p>9 my career with the City of Detroit. It was the longest</p> <p>10 employer that I've had in the field that I practice in.</p> <p>11 Q Any other issues that you discussed other than the</p> <p>12 beginning of your employment?</p> <p>13 A We never really got that far in the ten or so visits. We</p> <p>14 were just, you know, just – she was trying to find out a</p> <p>15 little bit about me. I think the sessions were probably</p> <p>16 like 45 minutes, if that.</p> <p>17 Q Did you ever receive any written diagnosis or reports</p> <p>18 from that therapist?</p> <p>19 A Nothing from them. I mean, it was in my file there, but</p> <p>20 I never requested it.</p> <p>21 Q Any other therapists other than the one at the Guidance</p> <p>22 Center that you've spoken to?</p> <p>23 A There was just one before that like in the very</p> <p>24 beginning.</p> <p>25 Q And when was that?</p>	Page 61	<p>1 off for about ten years.</p> <p>2 Q Have you had any discussions regarding the complaints in</p> <p>3 your lawsuit with anybody other than your attorney?</p> <p>4 A To my knowledge, no.</p> <p>5 Q Do you have any written documents, notes, that were taken</p> <p>6 prior to the filing of this lawsuit?</p> <p>7 A I'm sorry. Repeat that one more time.</p> <p>8 Q Do you have any written notes or documents that you kept</p> <p>9 either typed or handwritten relating to this lawsuit that</p> <p>10 were created prior to the lawsuit?</p> <p>11 A No. The only person that I spoke to was Bill Harp. He</p> <p>12 was one of the representatives of the DFFA at the time.</p> <p>13 When I was reapplying with the City, I spoke to him to</p> <p>14 ask, you know, how I would go about reapplying with the</p> <p>15 City and he told me at this point there was nothing he</p> <p>16 could do to help me because I wasn't employed with the</p> <p>17 department and then that was it.</p> <p>18 I spoke with Kyle Fowle who I worked with</p> <p>19 at Woodhaven because at the time he was still working in</p> <p>20 Detroit.</p> <p>21 Q And what's Kyle Fowle's position?</p> <p>22 A Right now?</p> <p>23 Q When you spoke to him or right now. Either way?</p> <p>24 A He was a part-time fire fighter/paramedic like myself,</p> <p>25 but he was also -- I'm sorry. Say that again?</p>
Page 60	<p>1 A While I was working in Detroit.</p> <p>2 Q So that would be somewhere prior to 2013?</p> <p>3 A That's correct.</p> <p>4 Q Okay. You mentioned that you have social media. What</p> <p>5 social media do you have a subscription to or are you</p> <p>6 registered with?</p> <p>7 A Facebook, Instagram. I don't post. I just have family</p> <p>8 on there as friends and then I subscribe to some pages</p> <p>9 that deal with other Fire Departments, you know, to see</p> <p>10 how they operate, what the conditions are there, the</p> <p>11 types of things that they experience, you know, on the</p> <p>12 job.</p> <p>13 Just different ones. I don't really know</p> <p>14 how they do it, but it's like when they see you looking</p> <p>15 at something, they just start sending you more of it,</p> <p>16 more content, and just about, you know, diet and</p> <p>17 exercise, some law enforcement pages. I did have – I</p> <p>18 don't even know if you would classify it as an employer,</p> <p>19 but I was a reserve deputy with the Wayne County Sheriffs</p> <p>20 for about ten years, but I was never paid.</p> <p>21 It was voluntary. It was a community</p> <p>22 service position. The Chief at the time, I believe his</p> <p>23 name was Chief Stewart Rich who passed away last year</p> <p>24 towards the end of 2022. I don't remember exactly what</p> <p>25 month, but I did do community service with them on and</p>	Page 62	<p>1 Q What was his position with the City of Detroit?</p> <p>2 A Paramedic.</p> <p>3 Q Paramedic, and was he a full-time paramedic when you</p> <p>4 spoke to him?</p> <p>5 A That's correct.</p> <p>6 Q And is he still, if you know, employed with the City of</p> <p>7 Detroit?</p> <p>8 A No.</p> <p>9 Q And do you know why he's not employed by the City of</p> <p>10 Detroit?</p> <p>11 A To my understanding, he resigned to pursue outside</p> <p>12 employment with another full-time agency. Ironically, as</p> <p>13 close as him and I, I thought we were, you know, working</p> <p>14 at Riverview, not Riverview, Woodhaven, he wrote a letter</p> <p>15 that resulted in my suspension which led to my</p> <p>16 termination.</p> <p>17 Q And that's at Woodhaven?</p> <p>18 A That's correct. He told me about it the night before. I</p> <p>19 was placed on suspension the Monday of whatever month</p> <p>20 that was. Maybe September, October. He told me the day</p> <p>21 before that I was suspended that they were conducting an</p> <p>22 investigation about me and that he was forced to initiate</p> <p>23 a writeup, but at the time when him and I were working at</p> <p>24 Woodhaven and he was still employed with the City of</p> <p>25 Detroit, he says, "You need to get back on the job so we</p>

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Page 63	<p>1 can work together and then work there until we can</p> <p>2 retire."</p> <p>3 Q Anybody else that you spoke to about the allegations in</p> <p>4 this lawsuit?</p> <p>5 A I just had a conversation with he's a Lieutenant who was</p> <p>6 talking about retiring and told him that when he retired</p> <p>7 officially from the department that there would be a job</p> <p>8 at Octapharma if he wanted to come there.</p> <p>9 Q And what Lieutenant was that?</p> <p>10 A Steve Strong. We didn't discuss anything about anything</p> <p>11 to do with Detroit other than just he told me that he was</p> <p>12 going to stay past his retirement time.</p> <p>13 Q Did you guys discuss this lawsuit?</p> <p>14 A No, sir.</p> <p>15 Q Anybody else that you discussed this lawsuit, again,</p> <p>16 other than your attorneys?</p> <p>17 A You said before? Before the filing of the lawsuit?</p> <p>18 Q Yes. No, that's when I was asking about the written</p> <p>19 documents. I'm saying have you discussed this lawsuit</p> <p>20 with anybody other than your attorneys?</p> <p>21 A I spoke to a Lieutenant there. He's Arabic. I can't</p> <p>22 remember his name. We just talked briefly. I just asked</p> <p>23 him about how, you know, things were there, that I was in</p> <p>24 the process of trying to come back and then that was it.</p> <p>25 Q And when did you speak to him?</p>	Page 65	<p>1 up issues with certain policies that weren't being</p> <p>2 followed at Detroit. Is that correct, the Detroit Fire</p> <p>3 Department?</p> <p>4 A That's correct. It was brought to the public's attention</p> <p>5 because a news reporter who was looking into issues that</p> <p>6 were going on in the department, he wanted to challenge</p> <p>7 some of the things that he had heard as far as the</p> <p>8 Commissioners had claimed that they were following the</p> <p>9 national standard and they wanted to get video proof that</p> <p>10 it wasn't.</p> <p>11 Q And this national standard had to do with response times.</p> <p>12 Is that correct?</p> <p>13 A That's correct.</p> <p>14 Q Were there any other policies that Detroit was not</p> <p>15 following at that time, to your knowledge?</p> <p>16 A For a time they had radios in the ambulances where we</p> <p>17 were supposed to use to contact the hospital that were</p> <p>18 outside of the city and those were removed from the</p> <p>19 ambulances when they were putting newer ambulances into</p> <p>20 service. At the time, that was Chief Gary Kelly that</p> <p>21 instituted that and then they were later put back on</p> <p>22 because the issue was brought to a government</p> <p>23 organization called HEMS, which is H-E-M-S, and they sent</p> <p>24 the letter to the City stating that they heard that the</p> <p>25 radios were taken out and that they needed to be placed</p>
Page 64	<p>1 A It's been years.</p> <p>2 Q Any other discussions about this lawsuit with anybody</p> <p>3 other than your attorneys?</p> <p>4 A No. Not to my knowledge, no.</p> <p>5 MR. MCFARLANE: I'm going to take a break.</p> <p>6 I may be done. I'm going to take about a 15 minute or so</p> <p>7 minute break, so 12:10. Everybody is good?</p> <p>8 MR. SHEAROUSE: That works for me.</p> <p>9 MR. MCFARLANE: All right.</p> <p>10 (At 11:54 a.m., recess taken)</p> <p>11 (At 12:11 p.m., back on the record)</p> <p>12 MR. MCFARLANE: Back on the record, Tammy?</p> <p>13 REPORTER: Yes.</p> <p>14 MR. MCFARLANE: I have no further</p> <p>15 questions.</p> <p>16 MR. SHEAROUSE: I just have a few follow-</p> <p>17 up questions.</p> <p>18 EXAMINATION</p> <p>19 BY MR. SHEAROUSE:</p> <p>20 Q Mr. Cadoura, thank you for your time here today. I know</p> <p>21 we discussed a lot about your employment history as well</p> <p>22 as some of the issues that you've had at the various</p> <p>23 places of employment. Could you just briefly describe to</p> <p>24 me, I know we had mentioned earlier that you complained</p> <p>25 or I shouldn't say complained – strike that, you brought</p>	Page 66	<p>1 back in immediately.</p> <p>2 Q And at Detroit did you notice any issues with under-</p> <p>3 licensing of EMTs or paramedics?</p> <p>4 A They were putting us in Crown Victorias which were</p> <p>5 refurbished police cars that they turned into</p> <p>6 administrative cars for the Lieutenants and Captains and</p> <p>7 the Fire Chiefs and they wanted us to respond to calls</p> <p>8 with limited equipment. They weren't even – the</p> <p>9 ambulance is licensed based on the State.</p> <p>10</p> <p>11 If you don't have an ambulance where you</p> <p>12 can put somebody in to transport them to the hospital,</p> <p>13 they refer to that as a Romeo unit. The standard</p> <p>14 spelling R-o-m-e-o, and that is two licensed EMTs that</p> <p>15 can only respond as first responders, but could not put</p> <p>16 them in the vehicle and transport them to the hospital.</p> <p>17 I worked on those vehicles many times.</p> <p>18 Sometimes we were the subject of criticism by the public</p> <p>19 because they're essentially waiting for an ambulance and</p> <p>20 all we were doing was trying to render care while we're</p> <p>21 waiting for an ambulance which was the phrase that we</p> <p>22 heard a lot which was, "no units available City-wide or</p> <p>23 just no units available," and so on.</p> <p>24 MR. SHEAROUSE: I don't think I have</p> <p>25 anything further.</p>

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<p style="text-align: right;">Page 67</p> <p>1 MR. MCFARLANE: I have no further 2 questions. 3 (At 12:15 p.m., deposition concluded) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	
<p style="text-align: right;">Page 68</p> <p style="text-align: center;">C E R T I F I C A T I O N</p> <p>(STATE OF MICHIGAN) (COUNTY OF OAKLAND)</p> <p>I certify that this transcript, consisting of 68 pages, is a complete, true and correct record of the deposition testimony of RICHARD CADOURA taken in this case by Zoom video conferencing on Thursday, January 5, 2023. The term "inaudible" is used where audio fades out or audio interference causes testimony to be unintelligible.</p> <p>I further certify that prior to taking this deposition, RICHARD CADOURA was duly sworn to tell the truth, the whole truth and nothing but the truth.</p> <p>1-5-23 <i>Tamara A. O'Connor</i></p> <hr/> <p>Date TAMARA A. O'CONNOR, CSMR-2656, CER-2656 Notary Public My Commission Expires: 6-25-27 to*</p>	

19 (Pages 67 to 68)

Detroit Fire Department

E.M.S. Division

Medic Co. No. M-19

Detroit, Dec 12, 2011

To: Asst. Superintendent Wilson

From: Tech. Richard Cadoura

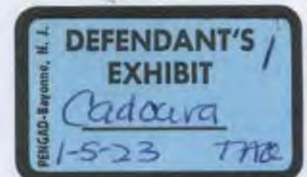
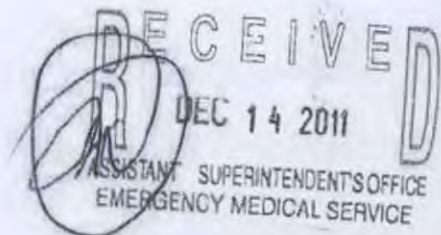
Re: Charge of Conduct

On 11-08-2011, While detailed to Medic 6, I called AC. Donella James and was informed that Lt. Sablowski was coming to the Hospital to "Conduct and Investigation into an Allegation of Patient Abandonment". I walked to the ER Dock and observed Lt. Sablowski talking with my partner Jeff Sebre. As I approached, I was informed by Lt. Sablowski that he was "conducting and investigation". I respectfully declined until a Union Rep could be present, invoking my Weingarten and Garrity Rights. Lt. Sablowski DENIED my request stating "this is not an investigation but an inquiry". I stated under GR 6.1 Section C. a Supervisor will provide a Union Rep prior to any questioning that may lead to charges now or in the future. My request was DENIED!!! As I attempted to walk back into the hospital Lt. Sablowski continued to follow me Shouting "you will answer my questions". Lt Sablowski allowed the situation to escalate by his FAILURE TO MAINTAIN ORDER AND DISCIPLINE. I do regret the fact that I allowed Lt. Sablowski's Disrespectful, Abusive, Demeaning Behavior to Provoke me into telling him "TO GO FUCK HIMSELF" 3 times, but it did end the Confrontation. In my almost 14 year career with Dems I have NEVER been put in that situation by any other Officer in the Detroit Fire Dept. I filed a Violence in the Workplace complaint against Lt. Sablowski several years ago which was later dropped by the Law Department without being fully investigated. Since that time I have had False Complaints, Written Statements and Improper Charges written against me by Lt. Sablowski resulting in being placed off LWOPCA several times. Without the Department Investigating his Conduct.

Respectfully Richard Cadoura #608

Richard Cadoura #608

Filed by:
Robt. B.
12/13/11





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Fax 313•628•1164
www.detroitmi.gov

December 19, 2017

Richard Cadoura
[REDACTED]

Dear Richard:

The City of Detroit is pleased to extend to you a conditional offer of employment for the position of Emergency Medical Technician (Paramedic) in the Fire Department - EMS Division with a starting rate/salary of \$23.52.

You may accept or decline this offer by responding to this email at brownbel@detroitmi.gov by the expiration date of Friday, December 22, 2017.

This offer is contingent upon your successful completion of a criminal background investigation, driver's license, drug screen and pre-employment medical evaluation.

In order to complete the criminal clearance, we need the following confidential information:

Phone Number:
Date of Birth:
Gender:
Race:
Alias/Maiden Name:
Driver License Number:
Copy of diploma, degree, or transcripts verifying completion

Failure to provide this information will rescind this offer of employment.

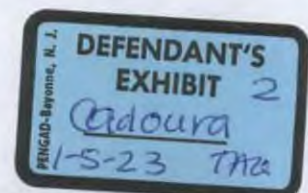
Once we receive your acceptance and the results of your pre-employment medical evaluation, you will receive an email from Employee Services Consultant, Kemia Crosson with your final certification date.

The City of Detroit is an Equal Opportunity Employer. No applicant shall be discriminated against on the basis of race, religion, color, age, gender, national origin, disability, or other criteria prohibited by City, State or Federal law.

If you have any questions, please feel free to contact me at 313.720.5632 and I will be more than happy to discuss the details of this offer.

Sincerely,

Belinda Brown, Recruiter II
Human Resources Department





Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 314
Detroit, Michigan 48226

Phone 313•224•9421
Fax 313•628•1164
www.detroitmi.gov

December 4, 2017

Richard Cadoura
[REDACTED]

Dear Mr./Ms. Cadoura:

RE: Application for – Exam - 2017222403126xx

You have been scheduled to take the Physical Agility Test (PAT) for the Emergency Medical Technician (Basic / Paramedic) position. In order to participate in the PAT you must have a signed, current Medical Clearance from a physician.

This Medical Clearance Form is included with this letter. NO CANDIDATE will be allowed to participate in the PAT without a current Medical Clearance Form signed and dated by a physician.

You are scheduled to participate in the PAT on Thursday, December 7, 2017 at 8:30 am.

Please report to the Fire Department Training Academy, located at 10200 Erwin Street (between Lynch & Grinnell - off Van Dyke) in Detroit, 48208. Parking is available in the front of the Fire Department Training Academy.

YOU MUST BRING WITH YOU TO THE PHYSICAL AGILITY TEST:

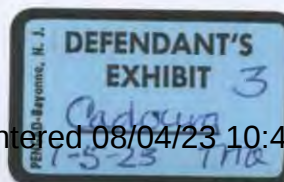
- This letter - Admittance Notice
- Your signed medical clearance
- A COPY and the ORIGINAL of your current Driver's License with Chauffeurs' Endorsement (if you don't have one, you must have one by the first day of the Academy – 1/22/2018)
- A COPY and the ORIGINAL of your current State of MI - EMT (Basic / Paramedic) License
- A COPY and the ORIGINAL of your current State of MI - Detroit East Medical Control Authority Certification (DEMCA), (if applicable for Paramedic)
- Bring an Updated Resume
- Bring a COPY of the following - Work Experience Documentation:
 - o two (2) recent check stubs
 - o 2016 W-2
 - o two (2) Reference Letters

Please wear loose fitting and comfortable full-length pants and shirt, along with gym shoes or other comfortable footwear.

Please reply back stating you will be in attendance by contacting me at 313.720.5632 by Wednesday, December 6, 2017.

IF YOU CAN NOT MAKE IT TO THIS EVENT AND WISH TO RE-SCHEDULE, please contact my Administrative Assistant, Lisa Nelson at 313.224.3477.

Sincerely,
Belinda Brown, HR Recruiter II
Human Resources Department



20-cv-12986 000483



Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 314
Detroit, Michigan 48226

Phone 313•224•9421
Fax 313•628•1164
www.detroitmi.gov

January 13, 2018

Richard Cadoura
[REDACTED]

RE: Application for Paramedic

Dear Mr. Cadoura:

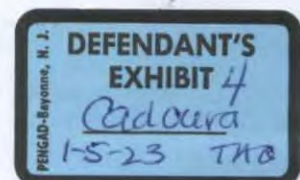
Thank you for your interest in the above referenced position. Your skills and commitment to the City of Detroit were recognized and greatly appreciated.

We regret to inform you that you are no longer considered for selection for the Detroit Fire Department - EMS Division.

If you have any questions, please feel free to contact me at 313.224.3730.

Sincerely,

Belinda Brown
Human Resources Department



DATABASE

City of Detroit

NOTICE OF RESIGNATION**EVALUATION AND RECOMMENDATION FOR REINSTATEMENT****1. EMPLOYEE**

DEPARTMENT FIRE DIVISION EMS
 I, RICHARD CADOURA, S.S. # [REDACTED] Hereby tender
 my resignation as EMT title for the following reason(s): RETIREMENT

My last day of work will be 7 day 6 date. Additional comments: _____

Forwarding Address (either home or work): [REDACTED]

[Signature] 6-3-13
 (signature) (date)

2. HUMAN RESOURCES DEPARTMENT, EMPLOYEE SERVICES DIVISION**DISCIPLINARY ACTION - LAST 18 MONTHS**

Number of Written Reprimands: 1 Number of Suspensions: 1
 Reason(s) for Reprimand: Conduct
 Reason(s) for Suspension: Conduct

ATTENDANCE AND TARDINESS RECORD - LAST 18 MONTHS

<u>15</u> Paid Sick Leave	<u>10</u> Occurrences	___ Beginning of Shift
___ Absent /No Pay	Occurrences	___ Return from Lunch
___ Dept. Leave	Occurrences	
___ A.W.O.L.	Occurrences	
___ Workers Compensation	Occurrences	
___ Funeral Leave.	Occurrences	
___ FMLA	Occurrences	
___ Other	Occurrences	
<u>15</u> Total Days Absent	<u>10</u> Total Absence Occurrences	___ Total Times Tardy



GODIVA

Thank you again for choosing GODIVA as your partner in making the world a more wonderful place!

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Notice of Resignation
 Effective 04/09/03

Page 3

FORM9087
 Rev 6

ATTENDANCE AND TARDINESS RECORD

☐ Satisfactory

☒ Needs Improvement

☐ Unsatisfactory

Comments: _____

WORK PERFORMANCE

	EE	ME	NI	UN	
Overall ability to perform:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	EE-Exceeds Expectations NI-Needs Improvement ME-Meets Expectations UN-Unsatisfactory
Quality of work:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Quantity of work:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Knowledge & Skills:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Technical Knowledge:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Practical Skills:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ability to learn:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Work Behavior:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Supervisory Abilities:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> (N/A)

DEPARTMENTAL RECOMMENDATION

REINSTATEMENT: ☐ Yes ☒ No

Date: _____

Completed by: Anthony M. White Title: Belmont Lt
Supervisor's Name

Approved by: SEBASTIAN J. JAMES Title: EMT. Capt
Manager's Name

Approved Date: 6/10/13 Comments (If reinstatement is NOT recommended, state reason): _____

Putting discipline for work behavior.

EXIT INTERVIEW(S) CONDUCTED BY:

Date of Interview: 6/10/13 Name: Anthony M. White Title: Belmont Lt

COMMENTS: _____

Date of Interview: _____ Name: _____ Title: _____

COMMENTS: _____

Reinstatement is governed by Human Resources Rule 15. To be eligible for Reinstatement, the applicant must have at least one year of prior service and resigned in good standing. Applications for reinstatement will be accepted for a period between three (3) months and twenty-four (24) months following the last day on the active payroll.

4. HUMAN RESOURCES DEPARTMENT, EMPLOYEE SERVICES DIVISION

Last Day Worked: 06/03/13 Last Day Paid: 06/03/13 City Seniority Date: 06/08/98

Effective Date of Resignation: 06/04/13 (in accordance with Human Resources Rule 15)

The Human Resources Department ☒ concurs ☐ does NOT concur with the Reinstatement

Recommendation of the employing department:

Brandi Richmond Date: 8/16/13

HRC Printed Name

Signature

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Notice of Resignation
Effective 04/09/03

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FORM9067
Rev 6
20-cv-12986 000464

EXHIBIT B

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 RICHARD CADOURA,
5 Plaintiff, CASE NO. 20-cv-12986
6 - vs - HON. GERSHWIN A. DRAIN
7 THE CITY OF DETROIT, MAGISTRATE ANTHONY P.
8 Defendant. PATTI

9 _____ /

10 The Deposition of JOSEPH BARNEY, III, taken via
11 Zoom, by me, Carol L. Martin, CSR-3532, a Notary
12 Public, in and for the County of Oakland, State of
13 Michigan, on Friday, January 6, 2023, commencing at
14 or about 10:16 a.m..

15 APPEARANCES:

16 For the Plaintiff:

17 CARLA D. AIKENS, P.L.C.

18 By: Mr. Austen Shearouse

19 615 Griswold Street, Suite 709

20 Detroit, Michigan 48226

21 (844) 835-2993

22

23

24

25

Page 1

1 APPEARANCES CONTINUED: 2 For the Defendant: 3 CITY OF DETROIT LAW DEPARTMENT 4 By: Mr. Jason McFarlane 5 2 Woodward Avenue, Suite 500 6 Detroit, Michigan 48226 7 (313) 237-0548 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 Friday, January 6, 2023 2 10:16 a.m. 3 * * * 4 JOSEPH BARNEY, III 5 after having been first duly sworn to tell the 6 truth, the whole truth, and nothing but the 7 truth, was examined and testified as follows: 8 EXAMINATION 9 BY MR. SHEAROUSE: 10 Q. Good morning. My name is Austen Shearouse and I 11 represent Plaintiff Cadoura in this matter. This 12 deposition is being taken pursuant to the 13 agreement of all parties to be used for all 14 purposes under the Michigan Court Rules. 15 First off, have you ever had your 16 deposition taken before? 17 A. Yes. 18 Q. Yep? Okay. So just a couple of ground rules 19 just as a reminder. Especially with Zoom, make 20 sure that I finish the entire question to give 21 the court reporter adequate time with the lag to 22 take everything down and I'm going to try and do 23 the same with your answers. I know inevitably we 24 will talk over each other a little bit, but try 25 to keep it down as much.
1 I N D E X 2 WITNESS: PAGE: 3 JOSEPH BARNEY, III 4 Examination by Mr. Shearouse 4 5 Examination by Mr. McFarlane 46 6 7 8 NO EXHIBITS MARKED 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 Make sure all your answers are verbal. 2 So "yeses" and "nos," "maybes", and "I don't 3 knows." I know sometimes we have a habit to nod 4 along one way or the other, but for the ease of 5 the court reporter, make sure everything is 6 verbal. 7 If you need to take a break, please let 8 me know. I'm happy to do that. All I ask is 9 that if there's a question that's been posed, 10 answer that question and I'll be happy to take 11 that break. 12 So in reviewing -- or first off, can you 13 state your full name for the record? 14 A. My name is Joseph Charles Barney, III. I'm not 15 going to look directly into the camera here 16 because your voice is completely -- you're off 17 and I just -- 18 Q. That's fine. That's fine. I understand it to be 19 a little disassociating, so no worries. What's 20 your date of birth? 21 A. 3-18-65. 22 Q. And what's your current address? 23 A. 3363 20th Street, Wyandotte, Michigan 48192. 24 Q. And how long have you lived at that address? 25 A. Since 2002.

2 (Pages 2 - 5)

<p>1 Q. Does anyone else live there with you?</p> <p>2 A. Well, my son just moved back about a week ago and</p> <p>3 my wife. She's in Florida.</p> <p>4 Q. So your wife is in Florida right now? Is your</p> <p>5 son currently in the room with you?</p> <p>6 A. No. I'm by myself.</p> <p>7 Q. In reviewing for today's deposition, did you</p> <p>8 review any documentation?</p> <p>9 A. Yes.</p> <p>10 Q. What documentation did you review?</p> <p>11 A. I was sent some old Charge Forms that had</p> <p>12 "Expungement" written on them and a few other</p> <p>13 Charge Forms that I can't recall off the top of</p> <p>14 my head. What I mean by Charge Forms, I mean</p> <p>15 Department Charge Forms.</p> <p>16 Q. And those Department Charge Forms were related to</p> <p>17 Mr. Cadoura specifically?</p> <p>18 A. Yes.</p> <p>19 Q. Did you discuss this deposition with anyone other</p> <p>20 than Mr. Jason before this deposition?</p> <p>21 A. No, other than letting the Department know that I</p> <p>22 had a deposition and, you know, that I wouldn't</p> <p>23 be in this morning because I was in a deposition.</p> <p>24 Q. And who did you let know at the Department?</p> <p>25 A. Captain -- I should say Chief Olkowski. My shift</p> <p style="text-align: right;">Page 6</p>	<p>1 relieves you.</p> <p>2 Q. When you first started working as an Emergency</p> <p>3 Medical Mobile Technician, what were the hours</p> <p>4 that were required? The working hours?</p> <p>5 A. Well, they haven't changed. Usually from</p> <p>6 7:00 a.m. to 7:00 p.m., 7:00 p.m. to 7:00 a.m..</p> <p>7 We used to have an impact shift when I came on.</p> <p>8 So that would be from 4:00 to -- 4:00 to midnight</p> <p>9 or 12:24 actually, and then we had peak shifts,</p> <p>10 which we have now, that go from 1:00 to 1:00.</p> <p>11 During the mid-2000s I believe they went from</p> <p>12 2:00 to 2:00.</p> <p>13 Q. And this is Department wide?</p> <p>14 A. For the EMS Division. The Department has ten</p> <p>15 divisions.</p> <p>16 Q. Can you explain a little bit about the process of</p> <p>17 getting hired as a Mobile Medical Technician?</p> <p>18 A. Well, I think, you know, the process has changed</p> <p>19 a lot, but in the '90s/2000s, you just would</p> <p>20 apply for a job. You'd go through a -- I went</p> <p>21 through three different physicals. I had a</p> <p>22 physical at Fire Medical, which used to be at</p> <p>23 250 West Larned, I had a physical at the City</p> <p>24 County Building, and then I had a third physical</p> <p>25 done off of West Grand Boulevard. We had a</p> <p style="text-align: right;">Page 8</p>
<p>1 that I am Captain of. Let them know I wouldn't</p> <p>2 be in.</p> <p>3 Q. And how do you spell the chief's name?</p> <p>4 A. O-l-k-o-w-s-k-i.</p> <p>5 Q. And have you ever gone by any other name other</p> <p>6 than Joseph Charles Barney, III?</p> <p>7 A. No, sir.</p> <p>8 Q. Are you currently employed?</p> <p>9 A. Yes, sir.</p> <p>10 Q. By who?</p> <p>11 A. The City of Detroit.</p> <p>12 Q. And how long have you been working for the City</p> <p>13 of Detroit?</p> <p>14 A. Twenty-nine years and one month.</p> <p>15 Q. And when you started with the City of Detroit,</p> <p>16 what was your position?</p> <p>17 A. I was an Emergency Medical Mobile Technician.</p> <p>18 Q. Can you tell me a little bit about the duties of</p> <p>19 an Emergency Medical Mobile Technician?</p> <p>20 A. Well, you respond to emergency runs that were</p> <p>21 sent to you either by a dispatch or through a</p> <p>22 computer. NBC. You render care, you, you know,</p> <p>23 transport to the hospital, you prepare the truck</p> <p>24 for the daily service, you maintain it during the</p> <p>25 day, and then you turn it over to a crew that</p> <p style="text-align: right;">Page 7</p>	<p>1 written test, we had an oral interview, and a</p> <p>2 physical agility test, and then we were placed on</p> <p>3 the list -- the eligibility list for hiring.</p> <p>4 Q. And you said the process has changed since then,</p> <p>5 correct?</p> <p>6 A. Yeah, a little bit I believe. You know, what you</p> <p>7 need now to have is an EMT License and a Driver's</p> <p>8 License. You still have the agility test and a</p> <p>9 written test and an oral interview, but it's all</p> <p>10 kind of expedited now, where this would take --</p> <p>11 the process before would take like months because</p> <p>12 it was spread out.</p> <p>13 Now, you know, you get your interview</p> <p>14 the same day you do your agility test and really,</p> <p>15 at this point, EMS doesn't even -- that was up to</p> <p>16 Academy 77. EMS doesn't even have an agility</p> <p>17 test or anything right now because the Fire</p> <p>18 Department no longer hires standalone EMS</p> <p>19 employees. So right now that process is</p> <p>20 completely dead.</p> <p>21 Q. You said standalone EMTs?</p> <p>22 A. Yeah. The Fire Department is going through a</p> <p>23 process with integration where they start to</p> <p>24 integrate the EMS guys that are in the EMS</p> <p>25 Division into Fire and so they stopped hiring</p> <p style="text-align: right;">Page 9</p>

<p>1 standalone EMS or EMS divisional employees. Now 2 all employees hired are through the Fire 3 Department and their firefighting division 4 employees and they have to have firefighting and 5 they go through that process. 6 Q. So just so I understand the required -- kind of 7 the requirement now is to also be a firefighter 8 along with an EMT? 9 A. Yeah, but there's a two-way path. There's also 10 a process for Detroit residents as well where 11 they can be hired without any education and they 12 will be sent to Wayne Community College where 13 they'll be given EMT and also firefighter. 14 There's kind of two pathways. 15 Q. So going back to your experience, are you still 16 working as an Emergency Medical Mobile 17 Technician? 18 A. No. 19 Q. What other positions have you held? 20 A. Paramedic. I was promoted to Paramedic in '95. 21 In 2017 I was the Captain of the Training 22 Academy for the EMS section and in 2018, I was 23 the Assistant Superintendent and then in 2021, I 24 -- wait a second. I got to think about this. In 25 2022 in February, I was un-appointed and moved to</p> <p style="text-align: right;">Page 10</p>	<p>1 learn the general policies as well for the City 2 of Detroit? 3 A. That's correct. They would have a portion of 4 their class for that. Correct. 5 Q. And then in 2018, you said you were promoted to 6 Assistant Superintendent. What was the 7 responsibilities in that role? 8 A. Operationally, day-to-day EMS operations. 9 Q. Was that more of an overview position or like a 10 logistics position? 11 A. I think a little bit of everything. I mean 12 logistically, you had to handle the logistics of 13 the division in medical response, but, for 14 instance, COVID, I was in the field every day and 15 protests I was in the field every day taking runs 16 with the crews because I didn't have enough crew 17 members. 18 Q. And then you said in the fall of 2022 you were 19 promoted to Shift Captain; is that correct? 20 A. No, that would have been February of 2022 and I 21 was not promoted, I was demoted. 22 Q. Oh, demoted. My apologies. 23 A. That's fine. 24 Q. Was there any particular reason for that 25 demotion?</p> <p style="text-align: right;">Page 12</p>
<p>1 Shift Captain at the Field Operations. 2 Q. Can you explain to me a little bit of the duties 3 of how a paramedic differs from your original 4 employment position? 5 A. Well, you have more patient care 6 responsibilities. As a paramedic, you're higher 7 level, so, therefore, you're kind of in charge of 8 the truck relative to outpatient care and you're 9 kind of in charge of the whole truck. You got to 10 make sure all the proper equipment is there and 11 what have you, and then, you know, when you're 12 assessing patients and you're writing legal 13 documents, you have to sign those legal 14 documents and ultimately, you're responsible for 15 that patient, if you're working with a partner of 16 a lesser licensure. 17 Q. And then in your position as a Captain of EMS' 18 Training Academy, what did that role entail? 19 A. Well, it entailed running the Academy classes for 20 new hires. CPR for the whole Department. 21 Compliance, TB, respiratory fit, immunizations 22 for the Department, continuing education, special 23 events. We handled a lot of special operations 24 and things. 25 Q. So is that Academy where new EMS hires would</p> <p style="text-align: right;">Page 11</p>	<p>1 A. Well, I was instructed that I was not liked by 2 staff and that I had a PIP from the previous year 3 and so they said they were going in a new 4 direction since it's an appointed position and 5 they gave me an option to retire or continue on 6 and I elected to continue on as Captain. 7 Q. And you said PIP. What is that? 8 A. Professional Improvement Plan. 9 Q. Can you describe a little bit about what that is? 10 A. Well, in 2020 -- in 2021 in December, I had sent 11 some e-mails and I had alluded the Law Department 12 about some things that I was concerned about 13 within my division with commissioners, and the 14 next thing I knew, I was in a meeting with all 15 the commissioners and chief and they were -- they 16 had some complaints that they had been holding. 17 So they said that they had too many complaints 18 from the union and as a result, they wanted me to 19 have a PIP. 20 They sent me to some training, made me 21 take additional training, and pretty much the 22 conditions of the PIP was that I was not to have 23 anymore complaints from the union. So at the 24 time -- I went a year, I didn't have any 25 complaints from the union, but obviously things</p> <p style="text-align: right;">Page 13</p>

4 (Pages 10 - 13)

<p>1 changed.</p> <p>2 Q. And you said you were alerting to some issues --</p> <p>3 the commissioners and the chief to certain</p> <p>4 issues; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. What issues were those?</p> <p>7 A. Well, we had some issues with COVID. None of the</p> <p>8 commissioners or chiefs were coming to work and I</p> <p>9 was the only one coming in and at the time had</p> <p>10 found that the chain of command had been</p> <p>11 circumvented by the senior chiefs and I also had</p> <p>12 found that, you know, I had a bunch of equipment</p> <p>13 laying everywhere in certain stations and that,</p> <p>14 you know, there had to be more oversight, and so</p> <p>15 I alerted the Department to some of the issues</p> <p>16 that I was seeing and recommended that people</p> <p>17 start returning back to work and let's just say</p> <p>18 that probably didn't go over very well.</p> <p>19 Q. And this meeting that you had with the</p> <p>20 commissioners and chief -- when was that?</p> <p>21 A. That would have been in December of '21.</p> <p>22 Q. So just so my timeline is correct, December of</p> <p>23 '21 you had this meeting and then February of '22</p> <p>24 was when --</p> <p>25 A. Wait. Wait. I'm sorry. I'm sorry. I have to</p> <p style="text-align: right;">Page 14</p>	<p>1 the middle of the winter and the gentleman inside</p> <p>2 became pretty angry when I asked a few questions.</p> <p>3 So I went into the station and I signed in with</p> <p>4 the log that I was there because I knew that it</p> <p>5 was going to be a problem. So when I walked back</p> <p>6 out, the guy was angry. He swore at me. I just</p> <p>7 got in my vehicle and I called the deputy</p> <p>8 commissioner. A second deputy commissioner</p> <p>9 Distelrath.</p> <p>10 I alerted him that I had an ambulance</p> <p>11 outside, I went into the station. There was an</p> <p>12 issue there and I was just leaving the station</p> <p>13 because I didn't want to escalate things further,</p> <p>14 and later that day, I had a complaint come in</p> <p>15 that I was out in the back lot of the fire</p> <p>16 station flipping people off, swearing, and</p> <p>17 driving erratic and crazy in my black Taurus and,</p> <p>18 in fact, they had filed two police reports. I</p> <p>19 drove a red Taurus, I didn't drive a black</p> <p>20 Taurus.</p> <p>21 The Department made me write a response,</p> <p>22 send it off, you know, to the complaint. Never</p> <p>23 heard anything else from that, and then had</p> <p>24 additional complaints from the head of the union,</p> <p>25 for instance, in -- they only had one supervisor</p> <p style="text-align: right;">Page 16</p>
<p>1 think this through. I'm mixing my -- December of</p> <p>2 2020 I had the meeting and then in January I had</p> <p>3 the PIP and then in February of '22 is when I was</p> <p>4 demoted.</p> <p>5 Q. And you said that the basis for this PIP and the</p> <p>6 eventual demotion was the complaints from the</p> <p>7 union, correct?</p> <p>8 A. Yeah. I had several complaints and, you know,</p> <p>9 they were unfounded obviously, but the union did</p> <p>10 not like me very much and I had a lot of</p> <p>11 complaints from them. Probably about six or</p> <p>12 seven, and again, like I said, most of them were</p> <p>13 unfounded and, you know, they just said, "Don't</p> <p>14 get anymore complaints" and sent me to some</p> <p>15 training classes with the city and they also made</p> <p>16 me take some LinkedIn learning classes.</p> <p>17 Q. Do you know what any of these complaints were</p> <p>18 for?</p> <p>19 A. Well, the one complaint was for a -- a -- I</p> <p>20 stopped by a station when I was on my way to work</p> <p>21 and I saw an ambulance parked outside and being</p> <p>22 operationally the Chief in charge, they shouldn't</p> <p>23 have an ambulance parked outside.</p> <p>24 So I stopped at the fire station to</p> <p>25 check on it and see why it was sitting outside in</p> <p style="text-align: right;">Page 15</p>	<p>1 working and we normally have four to five. So</p> <p>2 nobody would come into work, so I came into work</p> <p>3 and I met with the one supervisor working. I</p> <p>4 asked him what he needed from me. He told me</p> <p>5 that he would like me to go out in the field and</p> <p>6 he would do the paperwork because he's accustomed</p> <p>7 to doing it every day where I was not and he just</p> <p>8 wanted me to run the field.</p> <p>9 So I went ahead and ran the field,</p> <p>10 responding to any complaints or any issues that</p> <p>11 EMS crews needed to help them out and the union</p> <p>12 filed a complaint on me and this is after, you</p> <p>13 know, they said that we don't respond or help</p> <p>14 them enough. So they filed a complaint on me.</p> <p>15 It was pretty lengthy and that went to the</p> <p>16 commissioner. So those were the type of</p> <p>17 complaints that I was getting and I was told not</p> <p>18 to get them anymore.</p> <p>19 Q. Those were the only two complaints that you can</p> <p>20 recall?</p> <p>21 A. Off the top of my head, yes, but there was more.</p> <p>22 Oh, I did have another complaint. I gave a guy</p> <p>23 Christmas Eve off or Christmas Day. A 32-year</p> <p>24 employee. One of the captains didn't like it.</p> <p>25 He filed a complaint. Said I showed favoritism,</p> <p style="text-align: right;">Page 17</p>

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<p>1 but the guy followed the process and, you know, 2 ultimately the assistant superintendent has say. 3 It didn't affect manpower at all. So I gave the 4 guy Christmas Day off and my captain wrote a 5 complaint on that because he felt I had showed 6 that guy favoritism after he told him no, he 7 couldn't have it. 8 So that's the kind of stuff that went 9 down to the Law Department or to Human Rights. 10 Q. So in either of your positions as the Assistant 11 Superintendent or the Shift Captain or I guess 12 even the Captain of the Training -- EMS Training 13 Academy, did you ever have to discipline one of 14 your subordinates? 15 A. Yes. 16 Q. What's the process for disciplining one of your 17 subordinates? 18 A. Well, there's progressive steps to discipline. 19 You know, you start off with an oral 20 consultation. You know, alert them that there 21 might be a problem with what they did. You 22 explain the rule to them, so they understand the 23 rule and what happened and then you move on and 24 then there's a -- the next step would be, let's 25 say, a written reprimand and that's where you</p> <p style="text-align: right;">Page 18</p>	<p>1 know, what remediation I might have offered. 2 Q. And then the written reprimand -- is it -- is the 3 process always oral consultation, written 4 reprimands, or will sometimes it be -- 5 A. No. Sometimes depending on the -- depending on 6 the violation or, you know, what exactly 7 happened, it could go -- you could bypass a 8 written and go right to a punitive. There's a 9 list of guidelines for that too under like 10 General Rule 11. You know -- you know, an oral 11 consultation, a written, and that's so that the 12 Department had it documented under General Rule 13 11 on how you were to proceed. 14 Q. And what are some examples of actions where the 15 skipping the process of the first two steps in 16 this disciplinary scheme? 17 A. Well, let's say you had some very improper 18 patient care. You know, something that was such 19 an egregious violation that we're bound to notify 20 the Medical Control Authority. Something like 21 that. If that patient care was egregious, there 22 is an investigation behind it and you could see a 23 suspension immediately. Insubordination, AWOL. 24 Not being at work. Things of that nature. 25 Q. Now, you mentioned earlier that you have had to</p> <p style="text-align: right;">Page 20</p>
<p>1 actually place the incident in writing to paper 2 and they get a written reprimand. 3 Again, you make sure that they 4 understand the rule or understand the process 5 that was broken. If they need some remediation, 6 you give them remediation because obviously, you 7 can't help them out, if they don't understand 8 that, and then the next step in the progressive 9 steps of discipline would have been a charge of 10 -- and with a possible suspension and then, you 11 know -- or discharge, for that matter. Could 12 have been any of those. 13 Q. And you said the first step was this oral 14 consultation. Is there any recordkeeping on if 15 an oral consultation occurs with a particular 16 employee? 17 A. I don't think we're very good at it. I know that 18 sometimes, if I have given an oral -- which 19 usually that would happen more in the field with 20 lieutenants than it would, let's say, an 21 assistant superintendent or even a captain, for 22 that matter, but I would send an e-mail, you 23 know, or have something in writing that I went 24 out and talked to so and so on this date to 25 discuss this and they need efficiencies and, you</p> <p style="text-align: right;">Page 19</p>	<p>1 discipline subordinates during your time with the 2 City of Detroit? 3 A. Yes. 4 Q. Have you ever had to skip the first couple of 5 steps and go straight to a charge or discharge 6 with one of your subordinates? 7 A. When I was the Assistant Chief, I heard all 8 discipline, except for discharges. So the vast 9 majority of the discipline cases that would come 10 to me were already to the punitive or the 11 suspension stage or reprimands and things of that 12 nature had already been handed out. 13 When I was a Captain at the Training 14 Academy, I had a few instances and I would have 15 had to -- I had given some oral consultations, I 16 had given a written, I had actually given -- I 17 had recommended some charges/discipline. From 18 time to time, I would have a probationary 19 employee separation, which there wasn't -- you 20 know, well documented and that. They were kind 21 of at will employees and if they were very 22 deficient, then they would be separated. 23 Q. And the process for -- what's the process for 24 discharging an employee? 25 A. Well, it's pretty much the same. You get a</p> <p style="text-align: right;">Page 21</p>

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<p>1 notification that there's a discipline. Some</p> <p>2 action. You have a charge hearing. It's usually</p> <p>3 set with the chief or commissioner's designee,</p> <p>4 which is at this time Chief Larkins. Chief</p> <p>5 Larkins would hear the charges, make a</p> <p>6 recommendation, and then from there, it would be</p> <p>7 either appealed up to the commissioners or by the</p> <p>8 employee.</p> <p>9 Q. And then if the recommendation is termination,</p> <p>10 what's the process to go about informing the</p> <p>11 employee of this termination?</p> <p>12 A. You know, there's a new contract now, but I</p> <p>13 believe -- I think it's ten days. I mean you get</p> <p>14 your charges and they have a -- you get a Notice</p> <p>15 of Intent to charge. It has a date of the</p> <p>16 hearing on it. Usually the charge hearing is</p> <p>17 within ten days and then you recommend, you</p> <p>18 know, that you have the union representative</p> <p>19 there. They get a copy and that's how they're</p> <p>20 usually notified. An employee has to sign for</p> <p>21 it.</p> <p>22 Q. And you said earlier that you reviewed Charge</p> <p>23 Forms for today's deposition; is that correct?</p> <p>24 A. Yeah. They were old Charge Forms.</p> <p>25 Q. Do you know of what years those are from?</p> <p>Page 22</p>	<p>1 Q. Can you explain a little bit about what a</p> <p>2 designated representative is?</p> <p>3 A. I was the guy that handled the day-to-day</p> <p>4 operation of the union. Well, not necessarily</p> <p>5 the union. So we didn't have a local at the</p> <p>6 time. Our local was dissolved. So we didn't</p> <p>7 have anybody handling the day-to-day operation</p> <p>8 and reporting to the union itself.</p> <p>9 So at some point I was asked to perform</p> <p>10 that function and did and that would have been</p> <p>11 about 2010, and so I handled the day-to-day</p> <p>12 operation of union activity and then, you know,</p> <p>13 I'd report back to the union and if we process</p> <p>14 grievances or what have you, I would start the</p> <p>15 process and then when they'd get to the fourth</p> <p>16 step, which was before arbitration, the union</p> <p>17 obviously made a decision then. I kind of owned</p> <p>18 everything until the fourth step -- or the</p> <p>19 Association owned everything until the fourth</p> <p>20 step and then when it made it to the arbitration</p> <p>21 piece, the POAM took over running everything.</p> <p>22 Q. And did you step down from that position -- that</p> <p>23 designated rep position?</p> <p>24 A. No. The certified bargaining agent changed from</p> <p>25 POAM to the DFFA in 2016.</p> <p>Page 24</p>
<p>1 A. I believe they were from 2008 to like 2010.</p> <p>2 Q. And were all of those charges involving</p> <p>3 Mr. Cadoura?</p> <p>4 A. I believe so.</p> <p>5 Q. And what were the contents of those charges?</p> <p>6 A. You know, I didn't really look at them that</p> <p>7 closely. I just looked at the back and saw they</p> <p>8 were all expunged. I didn't really have much to</p> <p>9 do with the union, so a lot of that stuff that</p> <p>10 happened with Mr. Cadoura I wasn't aware of on</p> <p>11 that level.</p> <p>12 Q. And what union is it for the City of Detroit Fire</p> <p>13 Department and EMS?</p> <p>14 A. Well, right now it's the Detroit Firefighters</p> <p>15 Association.</p> <p>16 Q. And was that the same one during Mr. Cadoura's</p> <p>17 employment?</p> <p>18 A. No. During Mr. Cadoura's employment, it would</p> <p>19 have been the International Operating Engineers.</p> <p>20 I think it was Local 539 and that would have been</p> <p>21 the Police Officers Association of Michigan.</p> <p>22 Q. Have you ever held a position in any of these</p> <p>23 unions?</p> <p>24 A. Not as an elected official, but as a designated</p> <p>25 representative, yes.</p> <p>Page 23</p>	<p>1 Q. Looking specifically to Mr. Cadoura, did you ever</p> <p>2 work with Mr. Cadoura on the same shift?</p> <p>3 A. I would say I only worked once or twice with</p> <p>4 Mr. Cadoura, but I was aware of Mr. Cadoura, yes.</p> <p>5 Q. When you say you were aware of Mr. Cadoura, what</p> <p>6 do you mean?</p> <p>7 A. Well, the appraisal of Demsa (ph) was -- was</p> <p>8 very active and we'll say union activities or</p> <p>9 association activities specifically against the</p> <p>10 City Fire Department because EMS had been kind of</p> <p>11 run into the ground and it was very aggressive</p> <p>12 with him and I know Mr. Cadoura was a very avid</p> <p>13 supporter.</p> <p>14 Q. When you say he was a very avid supporter, what</p> <p>15 do you mean?</p> <p>16 A. That they were close friends and he always, you</p> <p>17 know, supported him and he always was a vocal --</p> <p>18 he was vocal of the deficiencies of the Fire</p> <p>19 Department specific to EMS.</p> <p>20 Q. Do you recall what deficiencies he was vocal</p> <p>21 about?</p> <p>22 A. Well, he had a lot of issues with response times.</p> <p>23 He had a lot of issues with, you know, 15/20</p> <p>24 minutes to respond to a run, staffing, poor</p> <p>25 management, abuse of management.</p> <p>Page 25</p>

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<p>1 Q. As to the response times specifically, are you 2 aware of a news story done about the response 3 times? 4 A. There were lots of news stories done about 5 response times. 6 Q. Specifically that Mr. Cadoura participated in? 7 A. You know, off the top of my head, I cannot 8 recall. I knew there was a story with him. I 9 remember one, but there were a lot of stories. 10 Only one I can recall, but I can't layout the 11 specifics. 12 Q. So when an employee brings up complaints like 13 this, what's the typical process for addressing 14 these concerns? 15 A. There really is no process. 16 Q. So other than knowing Mr. Cadoura for his 17 openness about deficiencies, is there any other 18 reason that you knew about Mr. Cadoura? 19 A. No. 20 Q. At some point Mr. Cadoura resigned from the City 21 of Detroit EMS; is that correct? 22 A. I believe so. 23 Q. Do you know why he resigned? 24 A. No. 25 Q. At the time that he resigned, Mr. Cadoura had</p> <p style="text-align: right;">Page 26</p>	<p>1 around that time? 2 A. In 2012? 3 Q. Yeah, 2012/2013 time. 4 A. Well, he did have some discipline. Some charges, 5 if I recall, and I had written some grievances, 6 but other than that, no, and it was a -- he was 7 part of a wider settlement that I had sought in 8 2012 for mutual agreement to dismissing some 9 discipline and some of the charges and he was 10 part of that discussion, but some of those 11 disciplinary actions didn't get dismissed. 12 Q. Can you recall what those disciplinary actions 13 were? 14 A. I can't recall off the top of my head. 15 Q. And after his resignation, did you ever see 16 Mr. Cadoura's employment file? 17 A. No. 18 Q. Have you ever seen Mr. Cadoura's employment file? 19 A. No. 20 Q. And you said that Mr. Cadoura was a part of a 21 wider settlement; is that correct? 22 A. Yes. Well, there was a group of -- there was 23 probably about 200 pieces of discipline that we 24 were looking to get some common ground with the 25 Department on and maybe getting some of the</p> <p style="text-align: right;">Page 28</p>
<p>1 been working for the City of Detroit for 2 approximately 15 years. Is it normal for that 3 tenured of a person to resign? 4 A. Yeah. At this point I guess -- you know, I guess 5 it's cyclic. You know, during good periods of 6 time with EMS, you have few resignations. I mean 7 2012 we were going as the preamble into the 8 bankruptcy. EMS was being attritioned out. I 9 mean at one point we got down to five ambulances 10 to service the city. We lost a lot of talent and 11 we had guys that had 20 years leaving the job. 12 You know, post-bankruptcy 2015, EMS started to 13 build up. We had equipment, 25 units. We were 14 doing good. 15 We weren't having resignations, but now 16 we're kind of into that cycle again when we have 17 a lot of ambulances closed and we're losing a lot 18 of tenured employees right now. So it's been 19 cyclic as the service goes. 20 Q. And around the time of Mr. Cadoura's resignation, 21 were you involved in any way in disciplining 22 Mr. Cadoura? 23 A. No, I was not. 24 Q. Did you ever have any conversations with anyone 25 mentioning Mr. Cadoura's potential discipline</p> <p style="text-align: right;">Page 27</p>	<p>1 charges dismissed. Some of the issues were 2 because the Department wasn't living up to having 3 Trial Boards and, you know, so a lot of the 4 discipline would sit for two years and there 5 would be no adjudication of it and, you know, 6 that impacts people negatively. 7 So we sat down with them and tried to 8 hammer out some of that. Get an agreement, and 9 we did. I don't have a copy of it on me that's 10 signed or anything, but, you know, that's what we 11 worked towards. 12 Q. And you said the backup of charges was due to 13 issues with the Trial Boards? 14 A. Yes. Well, the Department -- if you got 15 disciplined in, let's say, pre-bankruptcy, you 16 could -- you'd be disciplined and then you'd have 17 an option to have a Trial Board or obviously if 18 the union filed for arbitration, but a lot of 19 times that would take a long time getting to 20 arbitration, but the Trial Boards had to be held 21 within a certain specific set of time. 22 You'd have three panel members and the 23 employee would have been able to pick a panel 24 member, the Department would pick a panel member, 25 and there would have been just one at will panel</p> <p style="text-align: right;">Page 29</p>

<p>1 member.</p> <p>2 So what happened is the Department had</p> <p>3 very few, if any, Trial Boards and they were</p> <p>4 disciplining a lot of people and so what was</p> <p>5 happening is this whole process got really backed</p> <p>6 up and there was no adjudication within the</p> <p>7 Department for these charges and that impacted</p> <p>8 not just -- you know, obviously it affected</p> <p>9 people being able to get promoted and, you know,</p> <p>10 at the time we had acting supervisors that had</p> <p>11 been through the process to become a supervisor,</p> <p>12 and so even as a promotional process, it could</p> <p>13 impact that because we had people that would</p> <p>14 charge somebody because they didn't want them to</p> <p>15 be in a supervisory capacity and, you know, with</p> <p>16 that out being adjudicated, they wouldn't be</p> <p>17 eligible to be -- you know, to test out as a</p> <p>18 supervisor.</p> <p>19 So it was very problematic and, in fact,</p> <p>20 you know, when Jones Day came in during the</p> <p>21 bankruptcy, we were able to show that it was cost</p> <p>22 and time prohibitive and completely changed the</p> <p>23 whole process for the post-bankruptcy.</p> <p>24 Q. You say there was some issue with -- my</p> <p>25 apologies. You said there was some issue with</p> <p style="text-align: right;">Page 30</p>	<p>1 thinning of the pool of applicants?</p> <p>2 A. Well, at this point, the process -- you know,</p> <p>3 again, EMS is being slowly eliminated with, you</p> <p>4 know, the Department -- Fire Department taking</p> <p>5 over. So I mean I think that standard now is</p> <p>6 actually down to two years to apply as a</p> <p>7 supervisor and, you know, as far as discipline,</p> <p>8 discipline is being heard timely and it -- you</p> <p>9 know, there's specific things built within the</p> <p>10 contract like expedited arbitration and that now</p> <p>11 you see that that process was cleaned up.</p> <p>12 Q. And so if this discipline is hanging out over</p> <p>13 somebody's career and they resign, what happens</p> <p>14 to that discipline?</p> <p>15 A. I suppose it's in their file. I mean obviously</p> <p>16 there's no -- nothing being heard -- charges or</p> <p>17 anything because they're no longer an employee.</p> <p>18 So, you know, I guess it would just -- it would</p> <p>19 be there and it was just never a -- you know,</p> <p>20 there was never a hearing on it.</p> <p>21 Q. Would discipline like that with no hearing ever</p> <p>22 being had cause someone to be on a do not rehire</p> <p>23 list?</p> <p>24 A. Possibly.</p> <p>25 Q. What are some other reasons that somebody might</p> <p style="text-align: right;">Page 32</p>
<p>1 charges being levied against the employees to</p> <p>2 block promotions?</p> <p>3 A. Well, let's say you have 200 employees and let's</p> <p>4 say you have 10 employees that are acting as a</p> <p>5 supervisor and there's a test coming up for a</p> <p>6 supervisor. Now, let's say in this pool of</p> <p>7 employees that there is five years -- let's say,</p> <p>8 you have five years -- you have to have five</p> <p>9 years on a job to apply. So now that pool is</p> <p>10 down to 150, let's say.</p> <p>11 So then on top of that, you start -- on</p> <p>12 my shift, I start charging these people because</p> <p>13 I'm going to thin the pool of people that are</p> <p>14 eligible to take the promotional exam, because</p> <p>15 they can't take it, if they have -- let's say</p> <p>16 they're on the second step of attendance control</p> <p>17 or they had a 12-hour suspension. So if they</p> <p>18 have a suspension on their record, they're not</p> <p>19 eligible to take the promotional exam.</p> <p>20 So what we found is that there was a lot</p> <p>21 of issues with that and, you know, the Department</p> <p>22 just wasn't hearing the charges and this</p> <p>23 discipline would hang out over these people's</p> <p>24 heads for two years.</p> <p>25 Q. Is there a policy in place now to prevent this</p> <p style="text-align: right;">Page 31</p>	<p>1 be placed on the do not rehire list?</p> <p>2 A. Attendance control, too many absences at work,</p> <p>3 too many tardies, lots of disciplinary actions.</p> <p>4 Q. In your experience, what qualifies as a lot of</p> <p>5 disciplinary action?</p> <p>6 A. I would presume probably a discharge and a number</p> <p>7 of suspensions that are duty related to having</p> <p>8 little regard for your position.</p> <p>9 Q. So suspensions and discharge typically make up</p> <p>10 the bulk of the reasons someone might be on a do</p> <p>11 not rehire list?</p> <p>12 A. Correct.</p> <p>13 Q. So if somebody was never discharged, you would</p> <p>14 solely look at suspensions then as the primary</p> <p>15 reason for --</p> <p>16 A. Well, I guess it would be a global look. I mean</p> <p>17 you'd look at the -- you would look at the</p> <p>18 discipline, citizen complaints. I guess I should</p> <p>19 add citizen complaints. Those are really big</p> <p>20 too. If you have a guy that has 18 citizen</p> <p>21 complaints in two years, then there's some smoke</p> <p>22 where there's fire usually. That could be a</p> <p>23 problem and the discipline. So you look at I</p> <p>24 guess the whole picture of that period of time</p> <p>25 that the employee was at the job.</p> <p style="text-align: right;">Page 33</p>

<p>1 Q. Do you know if Mr. Cadoura had any citizen 2 complaints against him? 3 A. I do not, no. 4 Q. And at some point after his resignation, 5 Mr. Cadoura came back to try to be rehired with 6 the City of Detroit. Did you know about that? 7 A. Yes. 8 Q. How did you find out about that? 9 A. I was at the Training Academy and they were 10 having physical agility tests and oral interviews 11 and he was there. 12 Q. You said you saw him at the Training Academy and 13 oral interview? 14 A. Well, physical agility and oral interviews were 15 being held at the Academy and, yes, I saw him 16 there. 17 Q. Did you have any conversations with him? 18 A. Yeah. I said hi and good to see him. Asked what 19 was going on. I knew he had a child and stuff 20 and I wished him well. 21 Q. At that time did you know about any of 22 Mr. Cadoura's lingering discipline? 23 A. I didn't think about it. I mean, you know, 2012 24 I knew that there was outstanding things, but I 25 didn't -- didn't think about it.</p> <p style="text-align: right;">Page 34</p>	<p>1 was a very ugly period and EMS was being 2 systematically destroyed and, you know, we were 3 all different, you know, ten years ago. 4 Everybody. I mean if you look at yourself ten 5 years ago, you were probably a different person, 6 and so this is a man that was fighting hard to 7 improve the lot for everybody at EMS and, you 8 know, post-bankruptcy, we came up a lot better 9 and at the time when he was applying, EMS was 10 growing and doing well with good equipment, 11 hiring lots of people and, you know, he had a 12 family and, you know, when you become a family 13 man, you kind of change and you're not just 14 responsible for yourself, you're responsible for 15 your family. 16 So you become a little more conservative 17 and you think about your actions. You know, 18 maybe you're not going to be as aggressive 19 because, let's say, you've got a roof to put over 20 somebody's head other than yourself. You're more 21 conservative in some of the things that you maybe 22 say and do. So I think, you know, we all have 23 grown some. I've grown some as a person. I 24 wasn't, you know, the guy I was at, you know, 25 2012.</p> <p style="text-align: right;">Page 36</p>
<p>1 Q. Were you surprised to see him back at the 2 Training Academy? 3 A. No. I mean Ron Meyers showed up as well and he's 4 a guy that had retired years earlier. So from 5 time to time we can have some guys show up at the 6 Training Academy. It was good to see him. 7 Q. And do you know what became of Mr. Cadoura's 8 attempt to be rehired by the City of Detroit? 9 A. I don't believe he was rehired. 10 Q. Do you know why he wasn't rehired? 11 A. I only had one discussion about this and that was 12 with Chief -- Assistant Chief Raymond Burch and I 13 guess he was on a do not rehire list and he had 14 asked me what my thoughts were and I told him 15 that I thought we should, you know, take a look 16 at rehiring him. 17 Q. Was that your recommendation then? 18 A. Pardon me? 19 Q. Your recommendation was -- you said that you 20 spoke with Raymond Burch that he was on the do 21 not rehire list and that Chief Burch asked you 22 your thoughts and that you -- then you said that 23 "you should look into rehiring him." Was there 24 anything that you base that statement on? 25 A. Well, you know, the period up to the bankruptcy</p> <p style="text-align: right;">Page 35</p>	<p>1 So at the end of the day, I thought, you 2 know, this guy never hurt anybody that I know of. 3 Most of his discipline was based against 4 management that was adversarial and I don't 5 recall any patient care complaints and he treated 6 citizens well. So I didn't see a problem with 7 bringing him back and that's what I told Chief 8 Burch. 9 Q. And you said that most of the issues were 10 adversarial against management; is that correct? 11 A. Yes, that I can recall. 12 Q. What you said earlier about becoming a family man 13 causes people to become less aggressive about -- 14 in pursuing thoughts and actions, is that what 15 you were referring to? 16 A. Well, that was just my opinion I guess I should 17 say. You know, this is an observation that I had 18 that when people become family men and have 19 children, they change a little bit. 20 Q. So would you have described Mr. Cadoura during 21 his first stint in Detroit as very passionate 22 about improving the Detroit Fire Department? 23 A. I do. I would say that describes him. 24 Q. And how did you find out that Mr. Cadoura was not 25 rehired?</p> <p style="text-align: right;">Page 37</p>

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<p>1 A. Well, I believe through Chief Burch. 2 Q. Did you have any reaction to that knowledge that 3 he wasn't going to be rehired? 4 A. No. 5 Q. During your time working with the City of Detroit 6 and being on the same payroll as Mr. Cadoura, did 7 you ever hear any issues regarding Mr. Cadoura's 8 lawsuits? 9 A. No. 10 Q. So as we sit here today, other than this current 11 lawsuit, do you know about any of Mr. Cadoura's 12 other lawsuits he might be involved in? 13 A. No. 14 Q. And the one in 2012 that you mentioned -- that 15 was a -- was that a settlement with the -- 16 between the union and the Fire Department or was 17 that a lawsuit settled? 18 A. No, that was a settlement agreement between the 19 Fire Department and the POAM. 20 Q. Do you know if Mr. Cadoura was ever given an exit 21 interview? 22 A. I have no idea. 23 Q. Isn't it typical for someone to get an exit 24 interview? 25 A. They're supposed to, yes.</p> <p style="text-align: right;">Page 38</p>	<p>1 might have been Captain Wade. 2 Q. And when discipline -- going back to our 3 discussion earlier on discipline. When 4 discipline is issued by a supervisor, what's the 5 process for the documentation about that 6 discipline? 7 A. What will happen is the supervisor will write an 8 investigative packet. Generally he'll collect -- 9 he or she may collect statements from, let's say, 10 a citizen complaint from the citizen, collect 11 statements from the crew or any witnesses 12 involved, and they'll compile all that and then 13 summarize their findings with their 14 recommendation to charge. 15 That will go to the shift captain and 16 the shift captain will either say, "Yeah, we 17 recommend" -- you know, "I agree with you on 18 this" and charges will be prepared or the captain 19 will say, "No, this doesn't rise to that level. 20 Give him a written reprimand or give him an oral 21 consultation." "Give he or she an oral 22 consultation." So that's usually where it goes. 23 Once there is some charges, it's 24 processed over to the admin side of the building, 25 where an admin will go ahead and type up the</p> <p style="text-align: right;">Page 40</p>
<p>1 Q. And what typically is the content or discussion 2 that is in an exit interview, if you know? 3 A. I have never had one. As Assistant Chief, most 4 of the time those would have been handled by 5 Captain Olkowski. Usually administrative 6 captains would handle that. 7 Q. Why don't we go ahead and take a five, ten-minute 8 break. I'm going to refill my water and 9 everything and then we'll come back here around 10 11:30. Does that sound good? 11 A. That's fine. 12 (Break taken) 13 MR. SHEAROUSE: Back on the record. 14 BY MR. SHEAROUSE: 15 Q. We were talking last about exit interviews and 16 you said that you have never had to attend one; 17 is that correct? 18 A. That's correct. 19 Q. And you said that's typically handled by the 20 admin captain, correct? 21 A. Correct. 22 Q. Who would that have been in the time of 23 Mr. Cadoura's resignation in 2012/2013? 24 A. It may have been Captain Wade, but I'm not 100 25 percent sure, but during that period of time, it</p> <p style="text-align: right;">Page 39</p>	<p>1 paperwork with the notification to the union and 2 to the employee and that paperwork goes back to 3 the Field Operations where the paperwork is taken 4 out, where the employee will sign for it, and 5 then they have the charged hearing on the 6 specified date. 7 Q. And those are sent along you said to the captain 8 after the reporting supervisor makes -- does his 9 investigation? 10 A. Correct. The shift captain where that shift the 11 employee is on. 12 Q. And are there types of discipline that can apply 13 to a whole unit of a certain ambulance on a 14 shift? 15 A. I guess I don't understand your question. 16 Q. Is there -- let me try to rephrase. Would there 17 be an action or inaction by one EMS person on the 18 EMS crew that could have the entire crew 19 disciplined? 20 A. Absolutely. 21 Q. What kind of things would those be? 22 A. Well, the things would be improper patient care. 23 You know, there's two people on the truck and, 24 you know, not everything rises -- even if you're 25 a basic EMT on the truck with a paramedic,</p> <p style="text-align: right;">Page 41</p>

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<p>1 ultimately the paramedic is in charge, but if 2 somebody is doing something that's so negligent, 3 you still have the duty to, you know, do the 4 right thing. So something in that situation. 5 Lost equipment. Unless one party were to say 6 necessarily take the responsibility and like, 7 "Hey, I lost the blood pressure cuff," or what 8 have you, and then say, you know, the crew is 9 disciplined collectively for missing equipment. 10 Q. And when an incident is reported for potential 11 discipline, are written statements of the other 12 technicians or employees taken as well? 13 A. Yeah, generally. 14 Q. And if you know, how much weight is given to 15 those witness statements? 16 A. You know, that's -- that's a tough question to 17 answer because it's -- you know, it's just like 18 anything, no two situations are the same, no two 19 witnesses are the same. I mean you just have to 20 look at the packet globally. Everything that 21 happened. You know, the facts. Look at the CAD 22 sheets, look at, you know, as many facts that you 23 can find. You know, objective things, not 24 subjective things. So I can't put a number on 25 that because every case is different.</p> <p style="text-align: right;">Page 42</p>	<p>1 Q. So when someone receives a discipline that's 2 worthy of a suspension, is there a particular 3 guideline that instructs the captain or the shift 4 chief or whoever is issuing the suspension as to 5 how much time to suspend someone for? 6 A. Well, there is a General Rule 11 that has 7 guidelines laid out, but I'll tell you, times 8 change. I mean, you know, when you're fully 9 complemented with staff, you're not suspending 10 to -- or you have the latitude to give a guy a 11 day off here or there. You know, EMS in its 12 current state, we don't suspend anybody hardly 13 unless it's super egregious because we need the 14 bodies at work. So we hold a lot of stuff in 15 abeyance now. So a lot of that goes with how 16 much manpower you have available. 17 Q. And was that a similar situation in 2012/2013 18 with the looming bankruptcy? 19 A. If you're asking my opinion, in 2012/2013 they 20 didn't care. 21 Q. Who didn't care? 22 A. Administrators. They didn't care. 23 Q. So when you say they didn't care, they didn't 24 care about issuing suspensions or they didn't 25 care about the employees themselves, just to</p> <p style="text-align: right;">Page 44</p>
<p>1 Q. And if an EMT or paramedic was to receive 2 discipline for something that someone else on 3 their shift had done, would that discipline also 4 go through the same process of the Trial Board 5 and all of that? 6 A. Well, at the time, you know, whatever the -- 7 whatever -- whatever process is in place, whether 8 it's 2012 or 2022, '23, all discipline should 9 proceed through the same process, period. 10 Q. Going back to the time when Mr. Cadoura was 11 attempting to be rehired, were there any 12 conversations you were aware of where individuals 13 discouraged Mr. Cadoura from reapplying? 14 A. I can't recall. 15 Q. Do you know of anyone who wouldn't want 16 Mr. Cadoura back? 17 A. I don't. 18 Q. Do you know if Mr. Cadoura was well liked by his 19 co-workers? 20 A. I can't really -- I can't really say. I mean, 21 you know, a lot of co-workers have come and gone 22 through the years and, you know, I can only 23 speak on myself, I can't speak for other people. 24 Q. In your opinion, was Mr. Cadoura a good EMT? 25 A. Yep. Yes.</p> <p style="text-align: right;">Page 43</p>	<p>1 clarify? 2 A. I think both. I don't think they were worried 3 about the employees and I don't think they were 4 too concerned about giving a suspension to 5 somebody and it negatively impacting the amount 6 of trucks out on the street. I mean because 7 honestly, we had only five some days, ten trucks. 8 So if they gave a guy a suspension, it didn't 9 impact your operation at all. 10 Q. So would you say back in 2012/2013 they were a 11 little more -- they were giving suspensions a 12 little more freely? 13 A. Yes. 14 Q. In your opinion, was that always the correct 15 decision? 16 A. No. 17 Q. And why not? 18 A. Well, people are entitled to, A, due process and 19 the Department was not practicing due process. 20 They weren't following their own rules under 21 General Rule 61C-3, was members rights, you know, 22 and if you find somebody guilty, everybody is not 23 guilty until they've went through the whole 24 process, as far as I'm concerned. You know, if 25 somebody doesn't get a chance to have their say</p> <p style="text-align: right;">Page 45</p>

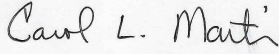
12 (Pages 42 - 45)

<p>1 and have it adjudicated through the process that</p> <p>2 the Department has in place in writing in a</p> <p>3 contract in your own rules, then, no, that's not</p> <p>4 right and it's not fair.</p> <p>5 MR. SHEAROUSE: I don't think I have</p> <p>6 anything further.</p> <p>7 THE WITNESS: Okay.</p> <p>8 MR. MCFARLANE: I have a couple of</p> <p>9 follow-up questions.</p> <p>10 EXAMINATION</p> <p>11 BY MR. MCFARLANE:</p> <p>12 Q. And based on what you were just talking about --</p> <p>13 we'll start there. So you said suspensions were</p> <p>14 given more freely and that they weren't always</p> <p>15 getting through the process; is that correct?</p> <p>16 A. That is correct.</p> <p>17 Q. Okay. And at that time were you still part of</p> <p>18 the union?</p> <p>19 A. Yes, sir.</p> <p>20 Q. And what union was that?</p> <p>21 A. That was the POAM. Police Officers Association</p> <p>22 of Michigan.</p> <p>23 Q. And did their contracts have a grievance process</p> <p>24 in it?</p> <p>25 A. Let me think about this for a second. There was</p> <p style="text-align: right;">Page 46</p>	<p>1 then let's say there was a charge hearing, there</p> <p>2 was some discipline, and then we would go ahead</p> <p>3 and file a grievance, if we felt that the</p> <p>4 suspension was unjust, and in the case of even</p> <p>5 like Weingarten violations, we even took and</p> <p>6 filed Unfair Labor Practices.</p> <p>7 Q. And those would be filed where?</p> <p>8 A. Well, the grievances would have been processed</p> <p>9 through most likely the superintendent and</p> <p>10 assistant superintendent, who his designee was.</p> <p>11 Some went directly to HR depending on whether it</p> <p>12 was payroll bound, or what have you. Others</p> <p>13 would go to the commissioner level depending on</p> <p>14 how broad the suspension was and then the Unfair</p> <p>15 Labor Practices would have been filed through</p> <p>16 MERC.</p> <p>17 Q. All right. And with respect to filing</p> <p>18 complaints, earlier you said there was no process</p> <p>19 for processing employee complaints. Is the union</p> <p>20 able to file a grievance on behalf of an</p> <p>21 employee?</p> <p>22 A. We are and we would. We filed complaints. You</p> <p>23 know what, there was complaints on ambulance</p> <p>24 safety. We filed a whole bunch of complaints.</p> <p>25 The problem is the city just never responded.</p> <p style="text-align: right;">Page 48</p>
<p>1 a process in the contract that was the old</p> <p>2 operating engineers contract that was in</p> <p>3 operation up until 2012. In 2012 there was a</p> <p>4 CET, which is applied after Public Act 4. It was</p> <p>5 instituted by the state, which the whole process</p> <p>6 was run by the city.</p> <p>7 Coming out of bankruptcy in 2013, I</p> <p>8 believe it was November, is when the POAM picked</p> <p>9 up that contract. So both the 2013 -- actually,</p> <p>10 all three. The 2013, the CET, and the old</p> <p>11 operating engineers contract all had different</p> <p>12 processes.</p> <p>13 Q. Did the union ever grieve what it felt was unfair</p> <p>14 disciplines?</p> <p>15 A. Yes.</p> <p>16 Q. And that was something that they -- could the</p> <p>17 union file the grievance or could the member file</p> <p>18 a grievance or both?</p> <p>19 A. Well, the member could file a grievance or both.</p> <p>20 In most cases, if there was some discipline, I</p> <p>21 think -- for instance, I think we filed nearly</p> <p>22 200 grievances over I think a ten-month period of</p> <p>23 time from 2010 and in that time, we filed class</p> <p>24 action grievances to address some of the issues</p> <p>25 with -- that was broadly affecting everyone, and</p> <p style="text-align: right;">Page 47</p>	<p>1 Q. And was the union able to file like ULPs at MERC?</p> <p>2 A. Yes, we did.</p> <p>3 Q. Did the union file any OSHA complaints?</p> <p>4 A. Lots of them.</p> <p>5 Q. And are you familiar with what is now coined</p> <p>6 CRIA, but I believe used to be the Human Rights</p> <p>7 Department?</p> <p>8 A. Yes.</p> <p>9 Q. Are employees able to make complaints at the</p> <p>10 Human Rights Department or now known as CRIA?</p> <p>11 A. They are now, yes.</p> <p>12 Q. Are there any other entities that you're familiar</p> <p>13 with in the City of Detroit that handles employee</p> <p>14 complaints?</p> <p>15 A. I imagine if you went through the ombudsman, you</p> <p>16 could probably file a complaint as well.</p> <p>17 Q. Earlier you testified about the promotional</p> <p>18 processes and discipline that was issued</p> <p>19 regarding the promotional process that kept</p> <p>20 people from being eligible?</p> <p>21 A. Yes.</p> <p>22 Q. Did the union grieve that?</p> <p>23 A. Yes.</p> <p>24 Q. And what was the result of that grievance?</p> <p>25 A. We ended up going and getting a CEEP applied and</p> <p style="text-align: right;">Page 49</p>

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<p>1 then the bankruptcy ensued. During the process 2 and meeting with Jones Day, David Birnbaum 3 specifically was the attorney from Jones Day. 4 What we did is we took all our grievances and we 5 laid them out. We laid out the expunged charges 6 that we were able to get expunged through 7 Commissioner Wheeler for greater than two years 8 and what we did is we took the Department of 9 General Rules and we showed the attorneys how the 10 whole process had -- the Department's process 11 with the Trial Boards had broken, you know, the 12 process for promotions and we explained it to 13 them. We laid out the paperwork. 14 We were able to show that we had acting 15 lieutenants at the time and these lieutenants, 16 you know, could eliminate some of the potential 17 people that could apply by just applying for the 18 discipline. They're found guilty at the 19 divisional hearing, and the next thing you know, 20 it's on your record for two years and if there's 21 a promotional process during that two years, 22 you're not eligible, and the Jones Day attorney 23 did agree with us, and actually, if you read I 24 think Article -- well, of the 2013 contract, 25 Article 9 and 10 -- and actually we wrote that at</p> <p style="text-align: right;">Page 50</p>	<p>1 thread that we had was we both were passionate 2 about EMS and the citizens being served properly 3 and him and I kind of went different pathways and 4 I necessarily didn't follow with Sahm (ph), where 5 I went a different pathway, and in the end, I 6 mean we took different paths and we kind of 7 separated, but I know who he was and, you know, 8 he had my respect as a person for what he was 9 trying to do. 10 Maybe I didn't agree with some -- you 11 know, wasn't an in-the-face kind of guy, but, you 12 know, at the end of the day, I understood when 13 somebody gets in your face, you get right back at 14 them. 15 Q. Did you have involvement in the hiring process in 16 2017/2018? 17 A. I did limited. So we were trying to attract 18 employees. We had -- I think we went -- we put 19 in about 150 that year, because we were short 20 staffed. So what we did -- we had the Training 21 Academy up, we put up tents. People came through 22 the door and would say, "Wow, this is pretty cool 23 stuff" and, you know, a lot of our special 24 operations equipment. 25 So we had an obstacle course there for</p> <p style="text-align: right;">Page 52</p>
<p>1 the union and they gave us the latitude to do 2 that because they recognized that we knew going 3 in that we were really broken as a Department or 4 as -- you know, and then the city there relative 5 to discipline. 6 So they allowed us to change that and 7 that's where we eliminated the Trial Boards 8 altogether and they agreed they were cost and 9 time prohibitive because they were paying the 10 battalion chief overtime coming on these things 11 as well. So that's how that all became 12 eliminated and, you know, the promotional process 13 was affected by it. 14 Q. And how many interactions prior to 2013 did you 15 have with Mr. Cadoura? 16 A. You know, I had a few. I mean when you're out in 17 the streets and you run into crews at the 18 hospital, you talk to them. I'd see him here and 19 there. Were we friends? No. Did we hang out? 20 No, but, you know, when you're on the job for any 21 period of time, you get to know people. You 22 know, at one point I guess we were Facebook 23 Friends. Now we aren't Facebook Friends and I 24 can't even tell you when that was. That was a 25 long time ago, but, you know, the one common</p> <p style="text-align: right;">Page 51</p>	<p>1 this. HR would come in. We'd come in. 2 Typically I'd leave my office and go down and 3 talk to everybody. Welcome them to the Training 4 Academy, introduce them to Chief Green, who is 5 ultimately in charge of the Training Academy, 6 and, you know, talk a little bit about EMS and 7 that was generally my involvement. From time to 8 time, I was asked to sit in maybe on the oral 9 interview portions, but that wasn't all the time. 10 That was just once in a while, if they didn't 11 have enough people. 12 Q. I know Chief Burch was mentioned earlier. I want 13 to be careful how I word this. Do you know the 14 status of Chief Burch? 15 A. Chief Burch is deceased. 16 Q. And when did that occur? 17 A. I got to think this out here. It's been five 18 years. It would have been 2018. 19 MR. MCFARLANE: No further questions. 20 MR. SHEAROUSE: I don't have anything 21 further. 22 MR. MCFARLANE: Thank you, sir. You're 23 all set. 24 (Deposition concluded at 11:54 a.m.) 25 * * *</p> <p style="text-align: right;">Page 53</p>

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<p>1 STATE OF MICHIGAN) 2) 3 COUNTY OF OAKLAND) 4 Certificate of Notary Public 5 I do hereby certify the witness, whose 6 attached testimony was taken in the above matter, was 7 first duly sworn to tell the truth; the testimony 8 contained herein was reduced to writing in the 9 presence of the witness by means of Stenography; 10 afterwards transcribed; and is a true and 11 complete transcript of the testimony given. I 12 further state that I am not connected by blood or 13 marriage with any of the parties, their attorneys 14 or agents, and that I am not interested, 15 directly, indirectly or financially in the matter 16 of controversy. 17 In witness hereof, I have hereunto set my hand 18 this day in Novi, Michigan, County of Oakland, 19 State of Michigan. January 13, 2023 20  21 Carol L. Martin, CSR-3532 22 Certified Shorthand Reporter 23 Notary Public, Oakland County, Michigan 24 My Commission Expires: 10/25/2025 25</p> <p style="text-align: right;">Page 54</p>	

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EXHIBIT C

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD CADOURA,

Plaintiff,

v.

Case No.

THE CITY OF DETROIT,

20-cv-12986

Defendant.

VIDEOCONFERENCE DEPOSITION OF
DONELLA JAMES

DATE: Monday, January 9, 2023

TIME: 9:03 a.m.

LOCATION: Remote Proceeding

Troy, MI 48083

REPORTED BY: Qiwana Glover, Notary Public

JOB NO.: 5655075

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<p>1 APPEARANCES</p> <p>2 ON BEHALF OF PLAINTIFF RICHARD CADOURA:</p> <p>3 CARLA D. AIKENS, ESQUIRE (by videoconference)</p> <p>4 AUSTEN SHEAROUSE, ESQUIRE (by videoconference)</p> <p>5 Aikens Law Firm</p> <p>6 615 Griswold, Suite 709</p> <p>7 Detroit, MI 48226</p> <p>8 carla@aikenslawfirm.com</p> <p>9 austen@aikenslawfirm.com</p> <p>10 (844) 835-2993</p> <p>11</p> <p>12 ON BEHALF OF DEFENDANT THE CITY OF DETROIT:</p> <p>13 JASON T. MCFARLANE, ESQUIRE (by videoconference)</p> <p>14 Detroit City Attorney's Office</p> <p>15 Two Woodward Avenue, Suite 500</p> <p>16 Detroit, MI 48226</p> <p>17 mcfaj@detroitmi.gov</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 2</p>	<p>1 PROCEEDINGS</p> <p>2 THE REPORTER: Good morning. My name</p> <p>3 is Q. Glover; I am the reporter assigned by Veritext</p> <p>4 to take the record of this proceeding. We are now on</p> <p>5 the record at 9:03 a.m.</p> <p>6 This is the deposition of Donella James</p> <p>7 taken in the matter of Richard Cadoura vs. The City of</p> <p>8 Detroit on today, Monday, January 9, 2023 via Zoom.</p> <p>9 I am a notary authorized to take</p> <p>10 acknowledgments and administer oaths in Michigan.</p> <p>11 Parties agree that I will swear in the witness</p> <p>12 remotely.</p> <p>13 Additionally, absent an objection on</p> <p>14 the record before the witness is sworn, all parties</p> <p>15 and the witness understand and agree that any</p> <p>16 certified transcript produced from the recording of</p> <p>17 this proceeding:</p> <p>18 - is intended for all uses permitted</p> <p>19 under applicable procedural and</p> <p>20 evidentiary rules and laws in the same</p> <p>21 manner as a deposition recorded by</p> <p>22 stenographic means; and</p> <p>23 - shall constitute written stipulation</p> <p>24 of such.</p> <p>25 At this time will everyone in</p> <p style="text-align: right;">Page 4</p>
<p>1 INDEX</p> <p>2 EXAMINATION: PAGE</p> <p>3 By Mr. Shearouse 5</p> <p>4</p> <p>5 EXHIBITS</p> <p>6 NO. DESCRIPTION PAGE</p> <p>7 (None marked.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 3</p>	<p>1 attendance please identify yourself for the record.</p> <p>2 MR. SHEAROUSE: Austen Shearouse on</p> <p>3 behalf of Plaintiff Cadoura.</p> <p>4 MR. MCFARLANE: Jason McFarlane on</p> <p>5 behalf of City of Detroit and Donella James.</p> <p>6 MS. JAMES: Donella James, the witness</p> <p>7 for the City of Detroit.</p> <p>8 THE REPORTER: Thank you. After</p> <p>9 hearing no objection, I will now swear in the witness.</p> <p>10 Ms. James, can you please raise your right hand.</p> <p>11 WHEREUPON,</p> <p>12 DONELLA JAMES,</p> <p>13 called as a witness, and having been first duly sworn</p> <p>14 to tell the truth, the whole truth, and nothing but</p> <p>15 the truth, was examined and testified as follows:</p> <p>16 THE REPORTER: Thank you. Counsel, you</p> <p>17 may begin.</p> <p>18 EXAMINATION</p> <p>19 BY MR. SHEAROUSE:</p> <p>20 Q Good morning. My name is Austen Shearouse</p> <p>21 and I represent Plaintiff Cadoura in this matter. I</p> <p>22 just have a couple of quick questions and some ground</p> <p>23 rules so that we can get rolling on this as quickly as</p> <p>24 possible. First off, have you ever had your</p> <p>25 deposition taken before?</p> <p style="text-align: right;">Page 5</p>

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<p>1 A I have had a deposition done before, but 2 nothing related to this issue. 3 Q Okay. So just as a reminder, I know the 4 court reporter made a mention of it earlier, but 5 especially with it being Zoom, make sure to give a 6 couple of seconds after the question finishes so that 7 she can ensure a correct record of it and I'm going to 8 try to do the same for your answer. I know at some 9 point, we will inevitably talk over each other or 10 anticipate where the other one is going. It's just 11 kind of the nature of things. But if we could both do 12 our best to try to avoid that situation. 13 If at any point in time you need a break, 14 I'm happy to do that. All I ask is that if myself or 15 Mr. McFarlane has posed a question, I ask that that 16 question be answered before we take a break. 17 Other than that, make sure all your answers 18 are verbal. No head nods or shakes or uh-uhs. That 19 obviously makes it very tough for the court reporter 20 to record them. 21 Can you state your full name for the record, 22 please. 23 A Yes; Donella Denise James. 24 Q And what is your date of birth? 25 A May 12, 1969.</p> <p style="text-align: right;">Page 6</p>	<p>1 Q And then, you've been a registered nurse 2 with them since 2002? 3 A Correct. 4 Q Were there any breaks in your employment 5 with that or is that continuous employment? 6 A It's considered continuous. Although, I had 7 approximately a nine month break during schooling. 8 But because the time was so short, they made the 9 employment just continuous. 10 Q Okay. And then, you said that you retired 11 from the City of Detroit Fire Department in 2016; is 12 that correct? 13 A Correct, September the 6th, I believe, is 14 the accurate date, 2016. 15 Q And when did you start working with the City 16 of Detroit? 17 A September 3, 1991. 18 Q And what role did you start out in at the 19 City of Detroit in 1991? 20 A With my initial employment, I was hired as 21 an emergency medical technician, which later then 22 transitioned to a paramedic, which then later became a 23 lieutenant, which, I believe, the classification now 24 is assistant EMS supervisor. And upon my retirement, 25 I was actually the EMS supervisor, which was a</p> <p style="text-align: right;">Page 8</p>
<p>1 Q Are you currently employed? 2 A Yes. 3 Q Where are you employed at? 4 A Ascension St. John Hospital in Detroit. 5 Q And what is your role there? 6 A Registered nurse. 7 Q And when did you start in that position? 8 A I've actually been employed at Ascension St. 9 John Hospital since August of 1994. But upon retiring 10 from the City of Detroit in 2016, became a part-time 11 employee in the emergency department. 12 Q So you said that you have been working with 13 Ascension St. John since 1994, correct? 14 A Correct. 15 Q So was that employment running congruent to 16 when you were working with the City of Detroit? 17 A That is correct. 18 Q Okay. And what were you doing for Ascension 19 St. John while you were working for the City of 20 Detroit? 21 A Was my initial employ, I was working in the 22 emergency department as an emergency room technician. 23 And then, in, I want to say, 2002, I got my nursing 24 license and my role transitioned at that time to a 25 registered nurse.</p> <p style="text-align: right;">Page 7</p>	<p>1 captain. 2 Q And do you know about what time you were 3 promoted from EMT to paramedic? 4 A I don't. I would have to look up my 5 licensing dates. I really, honestly, I do not know 6 those dates. 7 Q And would you happen to know the dates for 8 your promotion from paramedic to lieutenant? 9 A Unfortunately, no. 10 Q And what about lieutenant to captain? 11 A No, sir. To be specific, a specific date, 12 no, I don't have that. 13 Q Do you have years for those? 14 A I would totally be speculating so I'm going 15 to say no. 16 Q No worries. Okay. So EMT to paramedic. 17 And the rank of captain/EMS supervisor, was that the 18 rank that you retired from? 19 A That is correct. 20 Q Were you ever demoted from that rank at any 21 point in time? 22 A That is negative. 23 Q Were you ever demoted from any rank? 24 A That is also negative. 25 Q in your role as a lieutenant, did you ever</p> <p style="text-align: right;">Page 9</p>

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<p>1 issue discipline?</p> <p>2 A Yes.</p> <p>3 Q Can you explain the process of issuing</p> <p>4 discipline to me?</p> <p>5 A Well, it depends on what the actual</p> <p>6 allegations are. But under normal circumstances,</p> <p>7 there's an investigation that occurs where the</p> <p>8 individual that's being, well not disciplined, but the</p> <p>9 individual in which the charges are being preferred</p> <p>10 usually provides a statement, either written or oral.</p> <p>11 You usually compile all that information together.</p> <p>12 You submit it in a written document.</p> <p>13 Your captain, who is on your shift, reviews</p> <p>14 those documents. And then, that information gets</p> <p>15 forwarded to administration.</p> <p>16 When administration gets those documents,</p> <p>17 they review it and then they determine whether or not</p> <p>18 it is valid for discipline and then they prefer the</p> <p>19 discipline.</p> <p>20 Q And so, are there forms that you fill out</p> <p>21 when you issue somebody discipline?</p> <p>22 A Correct. There's actually a charge form and</p> <p>23 there is a format that most people follow for the</p> <p>24 charge form. But you usually include an investigative</p> <p>25 summary with statements from the individual that's</p> <p style="text-align: right;">Page 10</p>	<p>1 they are then advised of what their discipline is. If</p> <p>2 I'm not mistaken, the general rules did have</p> <p>3 guidelines of where discipline could begin based on</p> <p>4 the offense.</p> <p>5 Q And if there is a suspension issued, is</p> <p>6 there a form that's filled out?</p> <p>7 A Correct; yes. There's a form that's done</p> <p>8 when the actual charge hearing is done by either the</p> <p>9 assistant or the chief of the department. At that</p> <p>10 time, they're told what their discipline is. If I'm</p> <p>11 not mistaken, it was written on the back of the charge</p> <p>12 form as to what the penalty was.</p> <p>13 MR. SHEAROUSE: I'm going to go ahead</p> <p>14 and share my screen real quick. Let me know if you</p> <p>15 can see that document clearly.</p> <p>16 THE WITNESS: I think I lost you in</p> <p>17 it's entirety. Are you there still?</p> <p>18 MR. SHEAROUSE: Yeah. We're still</p> <p>19 there.</p> <p>20 THE WITNESS: Yes. I can see the</p> <p>21 actual charge.</p> <p>22 MR. SHEAROUSE: Okay.</p> <p>23 BY MR. SHEAROUSE:</p> <p>24 Q And so, what is this document, if you know?</p> <p>25 A Okay. The document that I'm viewing that's</p> <p style="text-align: right;">Page 12</p>
<p>1 being charged and based on your findings which support</p> <p>2 the charges.</p> <p>3 Q And are there different levels of discipline</p> <p>4 within the City of Detroit Fire Department?</p> <p>5 A I'm not exactly sure what you're asking.</p> <p>6 Can you just provide a clarification?</p> <p>7 Q Sure. Are there different punishments</p> <p>8 within the City of Detroit Fire Department for</p> <p>9 discipline?</p> <p>10 A Yes -- yes. There are levels of discipline.</p> <p>11 But as far as an EMS supervisor, we have no control</p> <p>12 over that. There are guidelines based on the degree</p> <p>13 of the discipline being a first, second, third, or</p> <p>14 subsequent offenses.</p> <p>15 Q Are there certain actions that receive more</p> <p>16 severe discipline?</p> <p>17 A I don't know if the severity of the</p> <p>18 discipline is a good term for it, but there are</p> <p>19 guidelines which start based on allegations or the</p> <p>20 particular rule that's violated.</p> <p>21 Q And are those guidelines shared with the</p> <p>22 City of Detroit personnel?</p> <p>23 A I don't know if they are readily available</p> <p>24 or accessible to them. But at the time where the</p> <p>25 charges are being heard by the administrative staff,</p> <p style="text-align: right;">Page 11</p>	<p>1 in my screen is the actual suspension notice. That's</p> <p>2 not the charge that's preferred by the officer that's</p> <p>3 supervising the technician at the time. That's a form</p> <p>4 that's actually generated by the administrative</p> <p>5 office.</p> <p>6 Q And so, this is the administrative office</p> <p>7 form?</p> <p>8 A Correct.</p> <p>9 Q Okay. And then, is it typically signed by</p> <p>10 one of the administration and the supervisor who</p> <p>11 issued the discipline?</p> <p>12 A I think maybe there may be some confusion.</p> <p>13 The actual supervisor that generates the charge signs</p> <p>14 that charge. The form that you have in front of me,</p> <p>15 which is the notice of the suspension, is more of a</p> <p>16 summation of what the charge is and then it outlines</p> <p>17 or details the suspension itself. That's not the</p> <p>18 actual charge form that gets generated by the</p> <p>19 supervisors.</p> <p>20 Q Okay. So that suspension notice is filled</p> <p>21 out after all of the proceedings have concluded then?</p> <p>22 A That is correct.</p> <p>23 Q And with that form particularly, that makes</p> <p>24 a recommendation for discharge, correct?</p> <p>25 A For discharge? I mean, it can include up to</p> <p style="text-align: right;">Page 13</p>

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<p>1 discharge. But that particular document that you 2 showed me detailed a suspension, the duration of the 3 suspension and what the actual suspension was for. 4 Q What are some reasons that that document 5 might be filled out to recommend termination? 6 A I don't have that information for you. 7 Q Have you ever recommended somebody for 8 termination? 9 A That is a negative. That is nothing -- that 10 -- the recommendation for termination does not come 11 from the field supervision office. 12 Q So when you issue discipline for someone 13 subordinate to you, you don't make a recommendation 14 for termination or not? 15 A That is accurate. We have no involvement of 16 what the suspension could be, up to and including 17 termination. 18 Q Have you ever been involved in the hiring 19 process for the City of Detroit? 20 A That is a negative; not that I can recall. 21 Q Are you familiar with the City of Detroit 22 having a "do not rehire" list? 23 A Not that I have been involved -- I'm 24 sorry -- not that I have ever been involved in the do 25 not hire process so I'm not absolutely sure of what Page 14</p>	<p>1 not mistaken, because it's been a while -- that you 2 ride as a third or it used to be that you would ride 3 as a third person on the truck as a paramedic during 4 the probationary period. And then, once you were 5 deemed competent then you were given the ability to 6 function fully as a paramedic on the truck. 7 As far as being promoted from paramedic to 8 lieutenant or assistant EMS supervisor, there was a 9 written test that you had to do as far as an oral 10 interview. And then you were placed on an eligibility 11 list, which was, if I'm not mistaken, valid for two 12 years. And as positions became available, as far as 13 individuals retiring or leaving the department, then 14 you would get promoted to lieutenant, which was the 15 same process as being a captain. There was a written 16 as well as an oral interview. 17 Q Okay. So once someone files a letter of 18 interest for paramedic and they secure their licensure 19 and perform their hours, what stair next step? 20 A There is a probationary period. Like I 21 said, they work on a vehicle as a third under the 22 supervision, it used to be, of a more senior paramedic 23 where they could get feedback and instruction, 24 teaching, experience. And then, after that time, they 25 were also being evaluated by supervisors who would Page 16</p>
<p>1 all of the requirements or what the stipulations are 2 for an individual being deemed as do not rehire. 3 Q So you've never recommended anybody not to 4 be hired? 5 A That is correct; never. 6 Q Have you ever heard about someone not being 7 recommended to be rehired? 8 A Yes. But as far as knowing the reason why 9 they weren't rehired, no. 10 Q Can you explain the promotional process 11 within the City of Detroit Fire Department, starting 12 from the EMT position? 13 A Well, from the EMT position to be promoted 14 for to a paramedic, you have to complete an approved 15 paramedic program and then you have to be successful 16 with the licensing process through the City of 17 Detroit. I mean, not the City of Detroit, through the 18 State of Michigan. 19 At that time, you then submit a letter of 20 interest for paramedic and then there's requirements 21 within the department that you have to do so many 22 hours of rotation as a third person on the vehicle, on 23 the paramedic truck. You're usually evaluated by one 24 of the supervisors, as far as being competent to 25 perform in your duties. And then, you work -- if I'm Page 15</p>	<p>1 also periodically respond to runs to see how they were 2 performing. And if there was no issues with that, 3 then after the probationary period, they would be 4 certified as a paramedic. 5 Q During your time at the City of Detroit, did 6 you ever work with Richard Cadoura? 7 A Not that I can -- I'm sorry -- not that I'm 8 able to recall have we ever worked on an ambulance 9 together. I am able to say that at some point in time 10 during my career, I was a supervisor for him. 11 Q And what was your impression of him? 12 A As far as -- just for clarification -- as 13 far as being a supervisor for him? 14 Q What was your impression of his ability as 15 an EMT to treat patients? 16 A If I'm able to recall, I don't believe there 17 was ever any issues of him improperly caring for a 18 patient that I'm aware of. I don't think any of the 19 issues with Mr. Cadoura were related to patient care, 20 as far as when I was a supervisor for him. 21 Q But you said there were issues with him? 22 A No. Just for clarification, I'm saying as 23 far as I'm aware, I can't recall any issues that I had 24 with him related to patient care. 25 Q Right. But there were issues, you're Page 17</p>

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<p>1 saying, non-related to patient care?</p> <p>2 A That is correct. Yes.</p> <p>3 Q And what were those issues?</p> <p>4 A Mr. Cardura had issues with supervision. He</p> <p>5 did not take direction well if it was something that</p> <p>6 he did not agree with. There were instances where it</p> <p>7 was detailed of him being insubordinate as far as and</p> <p>8 also as far as disobedience, refusing to wear the</p> <p>9 uniform in the prescribed manner, refusing to shave,</p> <p>10 issues such as that.</p> <p>11 Q And onto the uniform point, is there a</p> <p>12 reason that someone might not wear the uniform</p> <p>13 properly?</p> <p>14 A There can be instances where a technician's</p> <p>15 uniform gets soiled with blood or body fluids on the</p> <p>16 scene of a run. That can be an issue. Or just</p> <p>17 failing to not be compliant with what the uniform</p> <p>18 regulations are.</p> <p>19 All of the employees, the department had a</p> <p>20 rule where you were required to bring a spare uniform</p> <p>21 to work in the case of if a uniform gets soiled you</p> <p>22 would have a clean uniform to change into.</p> <p>23 Q Are you supposed to keep that spare uniform</p> <p>24 on the truck?</p> <p>25 A Yes, sir, you are. Yes. You are.</p> <p>Page 18</p>	<p>1 A Can you provide clarification on that?</p> <p>2 Q Sure. Do you ever recall Mr. Cadoura making</p> <p>3 a complaint that somebody was harassing him?</p> <p>4 A No, not that I can recall.</p> <p>5 Q Do you ever recall Mr. Cadoura making any</p> <p>6 complaint or notifying anyone in the department about</p> <p>7 policies not being followed?</p> <p>8 A No, not that I can recall. Other than, I</p> <p>9 mean, if you want to say something as vague about if</p> <p>10 he got disciplined and then complained about the</p> <p>11 discipline that was being preferred against him. But</p> <p>12 that would kind of be normally what most technicians</p> <p>13 would do. They weren't in agreement with what they</p> <p>14 were being accused of. So anything specific, not that</p> <p>15 I'm able to recall.</p> <p>16 Q So other than this lawsuit, are you aware of</p> <p>17 any other of Mr. Cadoura's lawsuits?</p> <p>18 A The only lawsuit that I have some</p> <p>19 information but it's vague was a reverse</p> <p>20 discrimination lawsuit which was years ago where him</p> <p>21 and several other individuals were suing the</p> <p>22 department alleging reverse discrimination.</p> <p>23 Q Do you know what happened with that suit?</p> <p>24 A As far as the specifics of it? No. Other</p> <p>25 than the fact that I was told that it was dismissed.</p> <p>Page 20</p>
<p>1 Q So you said that there were instances of</p> <p>2 insubordination. Can you give me a specific?</p> <p>3 A Mr. Cadoura didn't like to shave. In</p> <p>4 compliance with MIOSHA, in order for a HEPA mask to</p> <p>5 fit secularly on one's face, in the absence of having</p> <p>6 a shaven profile, the technicians were required to be</p> <p>7 clean-shaven. Mr. Cadoura did not like to shave. So</p> <p>8 I can attest to an incident in which I had where he</p> <p>9 refused to shave and he became insubordinate when I</p> <p>10 addressed him on shaving.</p> <p>11 Q Do you know if there was any reason, in</p> <p>12 particular, that he wasn't shaving?</p> <p>13 A There was no documented reason that I'm</p> <p>14 aware of of him refusing to shave, other than just an</p> <p>15 unwillingness to shave.</p> <p>16 Q During his time at the City of Detroit Fire</p> <p>17 Department, did you ever hear about Mr. Cadoura being</p> <p>18 the target of any racial harassment?</p> <p>19 A No, not that I'm aware of.</p> <p>20 Q Were you ever aware of anybody at the City</p> <p>21 of Detroit during your tenure being the subject of</p> <p>22 racial harassment?</p> <p>23 A No -- no, not that I'm able to recall.</p> <p>24 Q Do you ever recall Mr. Cadoura making</p> <p>25 complaints about his situation within the department?</p> <p>Page 19</p>	<p>1 Q Did you hear any other information about</p> <p>2 that lawsuit?</p> <p>3 A No, sir. That's a negative. No.</p> <p>4 Q Were you aware of Mr. Cadoura being involved</p> <p>5 with a news story regarding ambulance response times?</p> <p>6 A The only thing I can say as far as to be as</p> <p>7 accurate as possible is that that was so long ago that</p> <p>8 I know I was not involved in it directly. So anything</p> <p>9 or any information that I provide to you would be</p> <p>10 speculative.</p> <p>11 Q So switching gears a bit. When someone</p> <p>12 resigns from the City of Detroit Fire Department,</p> <p>13 what's the process for them going about doing that?</p> <p>14 A Under normal circumstances, they usually</p> <p>15 submit a letter advising of their intent to leave.</p> <p>16 There was a process at one time that once HR was</p> <p>17 notified that they would do an exit interview and then</p> <p>18 they would depart. I'm not exactly sure of the entire</p> <p>19 process only because I'm not involved in anyone</p> <p>20 leaving or being hired.</p> <p>21 Q But to your knowledge, an exit interview at</p> <p>22 some point in time was supposed to occur?</p> <p>23 A Correct. That is correct. But my</p> <p>24 understanding is that the exit interviews are normally</p> <p>25 voluntarily so the technician that's leaving does not</p> <p>Page 21</p>

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<p>1 have to comply with it. 2 Q Do you know how the technician is notified 3 about that exit interview? 4 A No, I do not. 5 Q And then, if somebody resigned and then 6 wanted to come back to the City of Detroit, what would 7 that process look like? 8 A I would have to say that it would be normal, 9 just like any other individual applying for the City 10 of Detroit. You would have to go through the 11 application process and whatever requirements were 12 deemed necessary. But an individual who's coming back 13 to the department, as long as they're not deemed a do 14 not rehire, would go through the same process. 15 Q But if they are deemed a do not rehire, is 16 there a different process? 17 A I would -- it would be my assumption that, 18 yes, that if they were a do not rehire then human 19 resources would not even allow them to come back -- 20 Q And in regard -- oh, sorry. 21 A I'm sorry. 22 Q Oh, no, please continue. Sorry. 23 Q But the entire hiring process or return 24 process is all handled through human resources. 25 Q Okay. And earlier, you stated that you</p> <p style="text-align: right;">Page 22</p>	<p>1 Q Were there any issues with Mr. Moore during 2 your supervision of him? 3 A As far as his performance as an EMT and a 4 paramedic, I can't recall that I ever preferred any 5 discipline against him for violations of rules. But, 6 like I said, I mean, I'm sorry and I don't mean to, 7 like, be vague. I mean, I've been gone for six years 8 so there's a lot of things I can't remember what I did 9 yesterday. So in the absence of having something in 10 front of me that has my name on it that I'm able to 11 actually review then, I mean, I have to say that I'm 12 not sure. Anything else, I would just be guessing. 13 Q And I don't want you to guess. So please, 14 by all means, if you don't know, continue to tell me I 15 don't know. That's completely fine. No harm, no 16 foul. So you weren't aware of any disciplinary action 17 that Mr. Moore may or may not have received? 18 A As far as secondhand knowledge? Then I can 19 say, I mean, you know, supervisors would talk or you 20 would hear of other supervisors speaking in the office 21 of technicians being disciplined. I know there was an 22 issue with Paramedic Moore and another employee that 23 was a friend that had to do with workplace violence. 24 And I believe that Brian Moore had an issue with 25 patient care, but all of the specifics of it I'm not</p> <p style="text-align: right;">Page 24</p>
<p>1 didn't know the reasons that someone might be placed 2 on the do not rehire list? 3 A That is correct. I'm sorry. I was just 4 checking my watch. I think that's my employer. I'm 5 sorry. 6 Q No, you're okay. 7 A As far as I'm aware, I'm not exactly 8 positive to be able to say what all the caveats are 9 that makes an individual a no rehire, a do not rehire. 10 But, I mean, as far as hearsay, I know an individual 11 is expected to give a certain amount of notice. But 12 other than that, I'm not sure what else entails that 13 makes the individual a do not rehire. But that would 14 be with any employer. The expectation is that if 15 you're leaving your employment you would give at 16 minimum a two week notice. 17 Q Have you ever supervised, worked with, or 18 heard of an individual that worked at the City of 19 Detroit Fire Department named Brian Moore? 20 A Yes. I am familiar with Brian Moore. 21 Q In what capacity are you familiar with him? 22 A As far as just totally professional as far 23 as him working on the job as an EMT, working as a 24 paramedic, and on several occasions being his 25 supervisor.</p> <p style="text-align: right;">Page 23</p>	<p>1 sure of. If I had probably preferred a discipline and 2 it was really egregious, then I would be able to 3 recall it. But other than that, it's very vague. 4 Q And you said you vaguely remember hearing 5 about a patient care issue but you wouldn't know the 6 specifics of that? 7 A Correct. 8 Q Okay. Did you ever hear about him being 9 placed on the do not rehire list? 10 A No, I'm not. I've got to remember. I'm 11 sorry. Everything's delayed. That's a negative. No, 12 I did not know that Brian Moore was a do not rehire. 13 But I know he was back on the job. I don't know if 14 he's still currently employed because I would see him 15 occasionally come to the emergency department. So I 16 don't know if he still works for the city. 17 Q Okay. But you do know that at some point in 18 time he came back to the job? 19 A Correct. That is correct. Yes. 20 Q Okay. Did you ever supervise or work with a 21 -- let me find it. My handwriting on this name is so 22 poor. Let me pull it up. Did you ever work with or 23 supervise a Nicholas Collingsworth? 24 A That is correct. Yes, I did work with 25 Nicholas Collingsworth. I think I worked with him a</p> <p style="text-align: right;">Page 25</p>

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<p>1 couple times on the ambulance. But I can tell you for 2 sure that I was his supervisor. 3 Q Did you ever recommend him for any 4 discipline? 5 A Absolutely. 6 Q And what were some of the issues that Mr. 7 Collingsworth had? 8 A I preferred charges on Nicholas 9 Collingsworth for, I believe, it was for 10 insubordination and also for obedience. 11 Q Can you explain the difference between 12 insubordination and obedience discipline? 13 A Insubordination was failing to comply with 14 an order, being insubordinate. Just pretty much not 15 going to do what you were directed to do. And 16 obedience was more behavior dialogue. 17 Q Okay. 18 A I may have -- I would have to see documents 19 in his personnel file -- I may have even charged 20 Nicholas Collingsworth with patient care related 21 issues too, but I'm not exactly sure. 22 Q Do you know if he was recommended for the do 23 not rehire list? 24 A I want to say yes, but the specifics, I'm 25 not sure of why.</p> <p>Page 26</p>	<p>1 A Okay. 2 Q So let me know once it's visible to you. 3 A Are you able to enlarge it so that I can see 4 it? 5 Q Let me see. Is this at all helping if I 6 zoom in a little bit? 7 A When you zoomed in, it cut off half the 8 screen. 9 Q All right. Yeah. Let me see if I -- 10 A Yeah. Because it wouldn't let me open it 11 further. 12 Q Yeah. I'm going to re-zoom. 13 A Okay. 14 Q Let's see if this is any better? Is this a 15 little bit more clear? 16 A Okay. That's better. That's much better. 17 Q Wonderful. So what you see before you, this 18 looks to me like a letter from Captain Joe Wilson to 19 -- or from, sorry, Gary Kelley to Captain Joe Wilson 20 mentioning Lieutenant John Sablowski not to be 21 assigned in any role or sector that would cause him to 22 be the immediate supervisor of Richard Cadoura. Do 23 you see that? 24 A Yes, I do see the document. 25 Q Okay. Do you know why this document was</p> <p>Page 28</p>
<p>1 Q So you weren't sure of the reasoning for 2 that placement? 3 A Correct. 4 Q Do you know if he was ever taken off? 5 A Can you provide clarification when you say 6 "taken off"? 7 Q Yes. Of course. Do you know if Mr. 8 Collingsworth was ever taken off the do not rehire 9 list? 10 A That, I'm not aware of. That, I do not 11 know. 12 Q So generally, during your time at the City 13 of Detroit, have you ever heard of anybody being taken 14 off the do not rehire list? 15 A No, not that I'm aware of. 16 Q As a supervisor, did you have any insight as 17 to reasons why someone might be taken off of the list? 18 A No, I was not. 19 Q And you said earlier that you were not aware 20 of any complaints Mr. Cadoura made regarding racial 21 harassment during his time with the City of Detroit, 22 correct? 23 A Not -- not that I'm able to recall. 24 Q Okay. I'm going to share my screen again 25 here.</p> <p>Page 27</p>	<p>1 issued? 2 A That is a negative. I don't have any 3 information as to why the document was generated. I 4 can only provide an assumption that it's possible that 5 there was an investigation for some allegations 6 against Lieutenant Sablowski by Cadoura and until the 7 investigation was completed then that would warrant 8 him not being his immediate supervisor until that's 9 done. 10 Q And what sorts of complaints would lead to 11 an investigation against someone like Lieutenant John 12 Sablowski? 13 A I don't know what the specific complaint 14 that generated this particular letter, but it was not 15 uncommon for technicians to complain about 16 supervisors, especially if they felt like they were 17 being supervised or if their assumption was they were 18 not being unfairly treated. But with all allegations, 19 it warrants an investigation. And until the 20 investigation is concluded and the allegations are 21 either unfounded or found to be some validity then 22 they would not allow that supervisor to be the 23 immediate supervisor of the individual that has filed 24 the complaint. 25 Q And about how long, typically, would an</p> <p>Page 29</p>

8 (Pages 26 - 29)


<p>1 investigation into something like this take?</p> <p>2 A I don't think there's any specific or there</p> <p>3 was any specific duration. It just entailed the --</p> <p>4 what the specifics were of the allegations as far as</p> <p>5 what resources would be needed. If it was an</p> <p>6 allegation of any type of forms of harassment, then</p> <p>7 normally that investigation would be held through the</p> <p>8 law department, if I'm not mistaken.</p> <p>9 Q So even though there was no set time, was it</p> <p>10 common in the City of Detroit to have these</p> <p>11 investigations done within six months of the</p> <p>12 complaint?</p> <p>13 A If that's the information that you have as</p> <p>14 far as the deadline, then I guess that would be</p> <p>15 accurate. But I can't say with any surety that it</p> <p>16 would be six months. It could be less than that,</p> <p>17 depending on how much investigation is needed, what</p> <p>18 the details are as far as interviews with the person</p> <p>19 that is bringing about the allegations, as far as the</p> <p>20 individual that's being alleged to have done some</p> <p>21 wrongdoing.</p> <p>22 Q And I want to clarify. I'm not referencing</p> <p>23 any specific policy or anything. I'm just trying to</p> <p>24 find out what the average time for the investigation</p> <p>25 duration would be.</p> <p style="text-align: right;">Page 30</p>	<p>1 figure this was back in 2009. That's, like, 13 years</p> <p>2 ago, so that, I'm not sure. And I'm not exactly sure</p> <p>3 what Mr. Cadoura's date was when he finally left the</p> <p>4 department so I'm not sure what else he probably filed</p> <p>5 against various supervisors within the department.</p> <p>6 Q Mr. Cadoura issued his resignation in 2012-</p> <p>7 2013, towards the end of 2012.</p> <p>8 A Okay.</p> <p>9 Q Just so we've got a timeline going here.</p> <p>10 And then, you said that the law department handles the</p> <p>11 investigation for issues involving harassment; is that</p> <p>12 correct?</p> <p>13 A That is correct. I believe it was the law</p> <p>14 department and then, I want to say, human relations,</p> <p>15 maybe?</p> <p>16 Q So those types of investigations were held</p> <p>17 outside of the department. But were investigations</p> <p>18 related to performance as an EMT generally taken care</p> <p>19 of by the department itself?</p> <p>20 A That is correct.</p> <p>21 Q Okay. So earlier, we were talking about Mr.</p> <p>22 Cadoura's ability as an EMT and we also discussed his</p> <p>23 insubordination; do you remember that?</p> <p>24 A Yes.</p> <p>25 Q Okay. In your opinion, was Mr. Cadoura an</p> <p style="text-align: right;">Page 32</p>
<p>1 A As far as working for the city, there's</p> <p>2 nothing that's cut and dry. But I'm sure that things</p> <p>3 needed to be investigated within a timely manner. But</p> <p>4 that, like I said, is dependent on the amount of</p> <p>5 investigation that's needed.</p> <p>6 Q Okay.</p> <p>7 A And as you can see, the document says "until</p> <p>8 further notice," which would make me believe that</p> <p>9 there was an active investigation being done. So</p> <p>10 until it was resolved, and to prohibit any further</p> <p>11 issues with Mr. Cadoura and Lieutenant Sablowski,</p> <p>12 that's why they felt that in the best interest of the</p> <p>13 department, as well as in the best interest of the</p> <p>14 technician, that he would be not directly supervised</p> <p>15 by him.</p> <p>16 Q Then below this, you'll see that this was</p> <p>17 issued July 14, 2008 and then February 12, 2009 there</p> <p>18 is another letter from Gary Kelley saying, "Effective</p> <p>19 immediately, all restrictions involving work</p> <p>20 experience related to -- a blanked out name -- and EMT</p> <p>21 Richard Cadoura are hereby lifted."</p> <p>22 Do you know any other supervisors that</p> <p>23 Cadoura might have made complaints against that would</p> <p>24 prohibit him working with them?</p> <p>25 A No, not that I'm aware of. I mean, you</p> <p style="text-align: right;">Page 31</p>	<p>1 asset to the City of Detroit?</p> <p>2 A In my opinion, as far as an EMT working on</p> <p>3 the job, I could say that he probably was an asset as</p> <p>4 far as being able to take care of patients. But</p> <p>5 there's more to an employee -- in my opinion, there's</p> <p>6 more to an employee than just their ability to</p> <p>7 perform. It's the employee as a whole. And Mr.</p> <p>8 Cadoura had an issue with being supervised. He did</p> <p>9 not want to be directly supervised.</p> <p>10 As long as he was given the ability to</p> <p>11 perform in his capacity which he felt, then you didn't</p> <p>12 have an issue with him. But any time that you</p> <p>13 addressed him on a deficiency than he became defiant.</p> <p>14 Now, that's my opinion. I'm entitled to my opinion.</p> <p>15 Q Yeah, of course.</p> <p>16 A I mean, and as you can see just from the</p> <p>17 documents that you probably have in front of you, when</p> <p>18 you look at Mr. Cadoura's disciplinary record, unless</p> <p>19 there's a lot of patient care related issues, I think</p> <p>20 the majority of Mr. Cadoura's issues was based on</p> <p>21 attitude and behavior.</p> <p>22 Q I meant to ask this earlier, but my</p> <p>23 apologies. Ms. James, have you ever been married?</p> <p>24 A Yes, I am currently married. I have been</p> <p>25 married for 24 years.</p> <p style="text-align: right;">Page 33</p>

<p>1 Q Oh, congratulations.</p> <p>2 A Thank you.</p> <p>3 Q What is the name of your spouse?</p> <p>4 A I'm sure you're aware; my husband is Gerald</p> <p>5 James. He was once the chief of the department. We</p> <p>6 both started in September of '91 together and we both</p> <p>7 retired in 2016 together.</p> <p>8 Q Love that. Yeah. I just needed that for my</p> <p>9 clarification.</p> <p>10 A Okay.</p> <p>11 Q Let's see? During your time with the City</p> <p>12 of Detroit, do you ever recall a period where a higher</p> <p>13 than average amount of discipline was being issued?</p> <p>14 A Let me see how I want to word this? I'm not</p> <p>15 going to say it was a higher amount of discipline</p> <p>16 being issue. It depends on who you're talking to</p> <p>17 who's referring to that being a higher amount of</p> <p>18 discipline. I think the amount of discipline was</p> <p>19 appropriate for what was being done at that time.</p> <p>20 There's always been discipline being</p> <p>21 preferred throughout my -- my entire tenure within the</p> <p>22 department. I just believe that at some point the --</p> <p>23 what was being committed at the time just became more</p> <p>24 egregious and was more notable that needed discipline.</p> <p>25 Where, in the past, some disciplinary issues were kind</p> <p style="text-align: right;">Page 34</p>	<p>1 stating the same?</p> <p>2 A That, I'm not aware of. As I said before,</p> <p>3 those types of issues related to an individual being a</p> <p>4 do not rehire was solely on the basis of the</p> <p>5 administrative office. The field supervision office</p> <p>6 had no control over that or no input in that.</p> <p>7 Q Were you ever aware of your husband making a</p> <p>8 recommendation for Mr. Cadoura being placed on the do</p> <p>9 not rehire list?</p> <p>10 A That, I'm not aware of. Contrary to what</p> <p>11 most people would believe, we didn't really discuss a</p> <p>12 lot of stuff as far as what his role was.</p> <p>13 Q So just so I'm clear, the field supervision,</p> <p>14 do they make any recommendation to terminate, place on</p> <p>15 do not rehire, anything like that?</p> <p>16 A My answer to that is, no. Field supervision</p> <p>17 has no input in that.</p> <p>18 Q So in any of your positions that you held,</p> <p>19 would you have had any input into those issues?</p> <p>20 A That is negative. No.</p> <p>21 Q Okay. Is there a position that your husband</p> <p>22 would have held that would have required him to make</p> <p>23 such a recommendation?</p> <p>24 A Yes. He was the superintendent of EMS. So</p> <p>25 yes, that would have been one of his roles.</p> <p style="text-align: right;">Page 36</p>
<p>1 of looked over, sidestepped, or just not considered to</p> <p>2 be that important. Where, at the point that probably</p> <p>3 people are preferring or referring or alleging that</p> <p>4 there was higher amounts of discipline.</p> <p>5 Q So there was a time where there was</p> <p>6 disciplinable actions that were being overlooked?</p> <p>7 A Yes.</p> <p>8 Q And do you know if having discipline on</p> <p>9 someone's record prevents them from being promoted?</p> <p>10 A I believe it's based on the type of</p> <p>11 discipline that would prevent you from being promoted.</p> <p>12 Depends on where it is as far as the timeliness of it.</p> <p>13 I don't believe that an EMT can be promoted to a</p> <p>14 paramedic with patient care related issues within a</p> <p>15 certain period of time, but the specifics, I'm not</p> <p>16 sure of.</p> <p>17 Q And you said patient care related issues for</p> <p>18 an EMT?</p> <p>19 A I believe so -- I believe so. Yes.</p> <p>20 Q If someone resigns with pending discipline,</p> <p>21 are they automatically placed on a do not rehire list,</p> <p>22 to your knowledge?</p> <p>23 A I don't have the knowledge of that. That,</p> <p>24 I'm not sure of.</p> <p>25 Q Would you be aware of any Detroit policy</p> <p style="text-align: right;">Page 35</p>	<p>1 Q Okay. When someone is disciplined, is there</p> <p>2 an appeals process?</p> <p>3 A Yes, there is. There's the trial board.</p> <p>4 The technician, I want to say, had approximately 14</p> <p>5 days to appeal for a trial board and that would be the</p> <p>6 -- that's their route for their appeal process for</p> <p>7 having discipline dismissed.</p> <p>8 Q How was Mr. Cadoura's personality on the</p> <p>9 job? Was he fairly easy-going?</p> <p>10 A I want to say, yes, with his coworkers, but</p> <p>11 not very easy-going with supervision, especially in</p> <p>12 the instance of where an issue needed to be addressed.</p> <p>13 MR. SHEAROUSE: I'm going to go ahead</p> <p>14 and take a quick, let's say, ten minute break. I'm</p> <p>15 going to look over my notes and I might have no</p> <p>16 further questions, but I'm going to take a little</p> <p>17 break.</p> <p>18 THE WITNESS: Okay.</p> <p>19 MR. SHEAROUSE: All right? Be back</p> <p>20 here, let's say, around 10:12.</p> <p>21 MR. MCFARLANE: Ms. James, you can go</p> <p>22 ahead and mute yourself, stop your video, and then</p> <p>23 come back in ten minutes.</p> <p>24 THE WITNESS: Okay; got you.</p> <p>25 THE REPORTER: All right. We are off</p> <p style="text-align: right;">Page 37</p>

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<p>1 the record here at 10:01 a.m. 2 (Off the record.) 3 THE REPORTER: Okay. We are back on 4 the record at 10:13 a.m. Counsel? 5 MR. SHEAROUSE: Ms. James, just a few 6 more questions. I appreciate your time here today. 7 BY MR. SHEAROUSE: 8 Q Going back, I know earlier we discussed that 9 there was an issue with Mr. Cadoura shaving; is that 10 correct? 11 A That is correct. 12 Q And what was the reason that he needed to be 13 clean-shaven, again? 14 A If I'm able to recall accurately, the 15 equipment that was provided to the technicians for 16 respiratory protection mandated that in order for the 17 equipment to be effective for the tech to avoid the 18 technician being exposed to airborne pathogens that 19 they had to be clean-shaven in order to be able to 20 obtain an adequate seal. That's why the department 21 mandated that when you reported to work, you had to be 22 clean-shaven. For those individuals, due to 23 healthcare concerns, that didn't have the ability to 24 shave on a daily basis, to be clean-shaven, they were 25 given the option of being fitted for what's called a</p> <p style="text-align: right;">Page 38</p>	<p>1 further. 2 MR. MCFARLANE: I don't have any 3 questions. 4 MR. SHEAROUSE: All right. Thank you 5 for your time, Ms. James. 6 THE WITNESS: Oh, you're welcome. Have 7 a good day. 8 MR. SHEAROUSE: You as well. 9 MR. MCFARLANE: Thank you, ma'am. 10 THE WITNESS: No problem. Mr. 11 McFarlane, if you need anything, please give me a 12 call. 13 MR. MCFARLANE: Will do. Thank you. 14 THE REPORTER: All right. We are off 15 the record here at 10:16 a.m. 16 (Whereupon, at 10:16 a.m., the 17 proceeding was concluded.) 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 40</p>
<p>1 HEPA hood. But in order to be fitted for the HEPA 2 hood, they had to be placed on what was called light 3 duty until that HEPA hood was delivered to the 4 department. 5 Q And you said those were issued for health 6 concerns? 7 A That would be health and safety. In order 8 for the equipment to protect the technician, they had 9 to be clean-shaven. 10 Q And those, do you remember what kind of 11 masks those were that required the technician to be 12 clean-shaven? 13 A I want to -- I want to say it was the N95 14 mask. And they were also, the technicians were 15 evaluated yearly by an annual fit test to ensure that 16 the masks that they were provided were sized 17 appropriately and they had an adequate seal. 18 Q During your time at City of Detroit, did the 19 department ever switch the EMS masks from the N95? 20 A That's a negative. During while I was there 21 a up until my retirement, they were provided N95 22 masks. They came in various sizes. And that was the 23 purpose of an annual fit test, which was conducted 24 through the training department. 25 MR. SHEAROUSE: I don't have anything</p> <p style="text-align: right;">Page 39</p>	<p>1 CERTIFICATE OF DEPOSITION OFFICER 2 I, QUANA GLOVER, the officer before whom 3 the foregoing proceedings were taken, do hereby 4 certify that any witness(es) in the foregoing 5 proceedings, prior to testifying, were duly sworn; 6 that the proceedings were recorded by me and 7 thereafter reduced to typewriting by a qualified 8 transcriptionist; that said digital audio recording of 9 said proceedings are a true and accurate record to the 10 best of my knowledge, skills, and ability; that I am 11 neither counsel for, related to, nor employed by any 12 of the parties to the action in which this was taken; 13 and, further, that I am not a relative or employee of 14 any counsel or attorr 15 hereto, nor financial the 16 outcome of this acti</p> <p style="text-align: center;">  QUANA GLOVER Notary Public in and for the State of Michigan </p> <p style="text-align: right;">Page 41</p>

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<p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2 I, DIANE OTTO, do hereby certify that this</p> <p>3 transcript was prepared from the digital audio</p> <p>4 recording of the foregoing proceeding, that said</p> <p>5 transcript is a true and accurate record of the</p> <p>6 proceedings to the best of my knowledge, skills, and</p> <p>7 ability; that I am neither counsel for, related to,</p> <p>8 nor employed by any of the parties to the action in</p> <p>9 which this was taken; and, further, that I am not a</p> <p>10 relative or employee of any counsel or attorney</p> <p>11 employed by the parties to the action, financially or</p> <p>12 otherwise interested in the outcome of the action.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	 <p>DIANE OTTO, CER, CET 1353</p>
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EXHIBIT D

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD CADOURA,

Plaintiff,

v.

Case No.

THE CITY OF DETROIT,

20-cv-12986

Defendant.

VIDEOCONFERENCE DEPOSITION OF
JOHN SABLOWSKI

DATE: Monday, January 9, 2023

TIME: 1:11 p.m.

LOCATION: Remote Proceeding

Troy, MI 48083

REPORTED BY: Qiwana Glover, Notary Public

JOB NO.: 5655075

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<p>1 APPEARANCES</p> <p>2 ON BEHALF OF PLAINTIFF RICHARD CADOURA:</p> <p>3 AUSTEN SHEAROUSE, ESQUIRE (by videoconference)</p> <p>4 Aikens Law Firm</p> <p>5 615 Griswold, Suite 709</p> <p>6 Detroit, MI 48226</p> <p>7 austen@aikenslawfirm.com</p> <p>8 (844) 835-2993</p> <p>9</p> <p>10 ON BEHALF OF DEFENDANT THE CITY OF DETROIT:</p> <p>11 JASON T. MCFARLANE, ESQUIRE (by videoconference)</p> <p>12 Detroit City Attorney's Office</p> <p>13 Two Woodward Avenue, Suite 500</p> <p>14 Detroit, MI 48226</p> <p>15 mcfaj@detroitmi.gov</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 2</p>	<p>1 PROCEEDINGS</p> <p>2 THE REPORTER: Good morning. My name</p> <p>3 is Q. Glover; I am the reporter assigned by Veritext</p> <p>4 to take the record of this proceeding. We are now on</p> <p>5 the record at 1:11 p.m.</p> <p>6 This is the deposition of John</p> <p>7 Sablowski taken in the matter of Richard Cadoura vs.</p> <p>8 The City of Detroit on today, Monday, January 9, 2023</p> <p>9 via Zoom.</p> <p>10 I am a notary authorized to take</p> <p>11 acknowledgments and administer oaths in Michigan.</p> <p>12 Parties agree that I will swear in the witness</p> <p>13 remotely.</p> <p>14 Additionally, absent an objection on</p> <p>15 the record before the witness is sworn, all parties</p> <p>16 and the witness understand and agree that any</p> <p>17 certified transcript produced from the recording of</p> <p>18 this proceeding:</p> <p>19 - is intended for all uses permitted</p> <p>20 under applicable procedural and</p> <p>21 evidentiary rules and laws in the same</p> <p>22 manner as a deposition recorded by</p> <p>23 stenographic means; and</p> <p>24 - shall constitute written stipulation</p> <p>25 of such.</p> <p style="text-align: right;">Page 4</p>
<p>1 INDEX</p> <p>2 EXAMINATION: PAGE</p> <p>3 By Mr. Shearouse 5</p> <p>4</p> <p>5 EXHIBITS</p> <p>6 NO. DESCRIPTION PAGE</p> <p>7 (None marked.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 3</p>	<p>1 At this time will everyone in</p> <p>2 attendance please identify yourself for the record.</p> <p>3 MR. SHEAROUSE: Austen Shearouse on</p> <p>4 behalf of Plaintiff Cadoura.</p> <p>5 MR. MCFARLANE: Jason McFarlane on</p> <p>6 behalf of City of Detroit.</p> <p>7 MR. SABLOWSKI: John Sablowski.</p> <p>8 THE REPORTER: All right. Thank you.</p> <p>9 After hearing no objection, I will now swear in the</p> <p>10 witness. Mr. Sablowski, can you please raise your</p> <p>11 right hand. Thank you.</p> <p>12 WHEREUPON,</p> <p>13 JOHN SABLOWSKI,</p> <p>14 called as a witness, and having been first duly sworn</p> <p>15 to tell the truth, the whole truth, and nothing but</p> <p>16 the truth, was examined and testified as follows:</p> <p>17 THE REPORTER: Thank you. Counsel, you</p> <p>18 may begin.</p> <p>19 EXAMINATION</p> <p>20 BY MR. SHEAROUSE:</p> <p>21 Q Good afternoon, Mr. Sablowski. I appreciate</p> <p>22 you taking the time to be with us today. Have you</p> <p>23 ever had your deposition taken before?</p> <p>24 A Yes, I have.</p> <p>25 Q Just a couple quick reminders, especially</p> <p style="text-align: right;">Page 5</p>

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<p>1 since we're over Zoom. There can be a little bit of a 2 delay with me getting my questions out, so all I ask 3 is make sure to give an extra second or two at the end 4 of it and I'll try to do the same with your answers, 5 that way we're not talking over each other and making 6 it more difficult for the court reporter. 7 If at any point in time you need a break, 8 I'm happy to do that. All I ask is that if me or Mr. 9 McFarlane has posed a question to you, please answer 10 that question and then we can take that break. 11 Before we get started here, have you 12 reviewed any documents in preparation for this 13 deposition today? 14 A Yes, I have. 15 Q What have you reviewed? 16 A I received a packet from the City of Detroit 17 via e-mail. I think there was, like, 30-some pages in 18 it. I tried to print them all up, but my computer 19 kept glitching. I've got an old computer, so I've got 20 what I've got. And I also reviewed those papers. 21 Q And what's the primary content of those 22 papers? 23 A Based on what I'm seeing is a packet of 24 disciplinary charge summaries from various 25 supervisors.</p> <p style="text-align: right;">Page 6</p>	<p>1 A I went for treatment for cancer. I have two 2 forms of cancer. 3 Q I'm so sorry to hear that. And you're 4 currently going through treatment right now? 5 A I just finished -- well, I shouldn't say I 6 just finished. Probably about three weeks ago, I 7 finished my radiation treatment and I'm still under 8 doctor care as far as follow-ups and further testing 9 for extension of the cancer. 10 Q Well, congratulations on finishing that 11 first round and I will be praying that it is full in 12 remission. 13 A Me too. 14 Q Okay. And when you took that FMLA, were you 15 working at the City of Detroit? 16 A No, it was not. 17 Q Where are you working at? 18 A I was working for Beaumont Hospital. I was 19 working a freestanding emergency room in security. 20 Q You said you were working at a freestanding 21 emergency room as security? 22 A Yes, at that time. I have since resigned. 23 Q Okay. And how long had you held that 24 position? 25 A A little over a year. I want to say a</p> <p style="text-align: right;">Page 8</p>
<p>1 Q And the last thing before we get into it is, 2 make sure that all your answers are verbal. So if at 3 any point in time you start nodding or mm-hmm, uh-huh, 4 the court reporter might ask you to make sure it's a 5 verbal answer. Because it, obviously, is very 6 difficult for her to take down a physical response on 7 text. 8 So can you state your full name for the 9 record, please. 10 A John Fitzgerald Sablowski. 11 Q And what's your date of birth? 12 A 19 June, 1965. 13 Q And are you currently employed? 14 A No, I'm not. 15 Q When was your last date of employment? 16 A The last day I worked had to have been 17 somewhere right around the end of August. I went out 18 for treatment, for medical treatment. I went off 19 FMLA. 20 Q August of 2022? 21 A Yeah, sometime at that point in time. 22 Q Okay. 23 A I'm not exactly sure of the date that I went 24 off on FMLA. I know when my procedure was, but. 25 Q And why did you have to go on FMLA?</p> <p style="text-align: right;">Page 7</p>	<p>1 little over a year. 2 Q So started sometime in July-August of '21? 3 A Correct. 4 Q And prior to that, where were you working? 5 A Prior to that, I was working for Ascension 6 St. John Hospital. I had obtained my PA 330, police 7 authority certification, and worked for them for 8 roughly 3 1/2 years, something like that. 9 Q So did you start there sometime in the 10 latter half of 2017? 11 A No. I retired -- actually, I retired from 12 the City of Detroit August -- I'm not sure the exact 13 date of 2018. I finished out my shift and that next 14 morning when I finished out my shift, I started at 15 Ascension in orientation, 2018. 16 Q And you worked at Ascension St. John in a 17 security capacity? 18 A Yes, I did. 19 Q And did you work that job continuously until 20 you switched over to Beaumont? 21 A Correct. I moved up to St. Clair County and 22 the Beaumont facility had just opened up. It was 23 brand-new and it was closer to my home location. 24 Q And so then, prior to Ascension, you were 25 working for the City of Detroit; is that correct?</p> <p style="text-align: right;">Page 9</p>

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<p>1 A Correct.</p> <p>2 Q And when did you start with the City of</p> <p>3 Detroit?</p> <p>4 A Started with the City of Detroit in 1993,</p> <p>5 the exact date, I don't recall. I believe it was</p> <p>6 sometime in August.</p> <p>7 Q And you retired from there in August of</p> <p>8 2018?</p> <p>9 A Correct; as soon as I hit my 25th year.</p> <p>10 Q And when you started in 1993, what was your</p> <p>11 position?</p> <p>12 A Emergency mobile medical technician.</p> <p>13 Q And were you promoted from that position?</p> <p>14 A Yes.</p> <p>15 Q When were you promoted?</p> <p>16 A I want to say about four or five years</p> <p>17 later, I obtained my paramedic and I was promoted to</p> <p>18 advanced EMT.</p> <p>19 Q And you had to obtain your paramedic's</p> <p>20 certification for that?</p> <p>21 A Yes, I did.</p> <p>22 Q Is that certification still current?</p> <p>23 A Yes, it is.</p> <p>24 Q Has it ever lapsed?</p> <p>25 A No, it has not.</p> <p style="text-align: right;">Page 10</p>	<p>1 captain, which was Captain Smaller, I stepped down</p> <p>2 back to the lieutenant position and worked under</p> <p>3 Captain Smaller until I retired.</p> <p>4 Q During your time as a lieutenant, what were</p> <p>5 your job responsibilities?</p> <p>6 A As a lieutenant, my job was to support the</p> <p>7 crew in the field when they needed supplies, whatever</p> <p>8 their daily needs were. I had to make myself</p> <p>9 available whenever I reported for duty until the time</p> <p>10 I went home to take care of them needs within their</p> <p>11 job scope.</p> <p>12 I also was responsible for doing</p> <p>13 investigations based on citizen complaints, internal</p> <p>14 complaints. Upon completing those investigations,</p> <p>15 formatted a summary and forwarded it to my shift</p> <p>16 captain with recommendations and findings.</p> <p>17 Ultimately, the shift captain had the final</p> <p>18 determination and any outcome of any investigation.</p> <p>19 Sometimes those investigations, depending on how</p> <p>20 severe they were, were sent up to the chief prior to</p> <p>21 any formal disciplinary or actions being taken.</p> <p>22 Q So correct me if I'm wrong. So it sounds</p> <p>23 like your role as a lieutenant in the investigations</p> <p>24 was kind of the information collection; is that</p> <p>25 correct?</p> <p style="text-align: right;">Page 12</p>
<p>1 Q And then, after that promotion in 1997,</p> <p>2 roughly, were you promoted again?</p> <p>3 A Yes, I was.</p> <p>4 Q What was the next promotion?</p> <p>5 A I was brought up as an acting lieutenant,</p> <p>6 which I held that position for two years. I had to</p> <p>7 retest again and I was promoted to lieutenant, full-</p> <p>8 fledged lieutenant.</p> <p>9 Q And when were you acting lieutenant?</p> <p>10 A Right around 2004, 2005, I believe. I don't</p> <p>11 have the exact date. You would have to pull my -- my</p> <p>12 record from the City of Detroit.</p> <p>13 Q And then, after that two-year period, you</p> <p>14 retested and were fully instated as a full-time</p> <p>15 lieutenant?</p> <p>16 A Yes.</p> <p>17 Q And was that the position you held the</p> <p>18 remainder of your time?</p> <p>19 A Yes, it is. I acted as an acting captain</p> <p>20 for seven or eight months after Captain James had</p> <p>21 retired. And I believe she retired in 2016, so I held</p> <p>22 acting captain for that period of time.</p> <p>23 Q And once that acting captain position ended,</p> <p>24 you went back to your lieutenant role?</p> <p>25 A Yes. Once they brought up the full-fledged</p> <p style="text-align: right;">Page 11</p>	<p>1 A Correct.</p> <p>2 Q Did you ever make any recommendations?</p> <p>3 A Yes, I have.</p> <p>4 Q And how does that process work?</p> <p>5 A Based on the type of incident, complaint,</p> <p>6 allegations, incidents, whatever, I would review all</p> <p>7 parties' information. It's pretty much like sitting</p> <p>8 before a, like what you're doing right now, you're</p> <p>9 fact-finding. Okay? I pull in everybody that's been</p> <p>10 involved in the incident and question them. Get</p> <p>11 written letters, summate it and forward it. And</p> <p>12 depending on, again, the degree of it, could it be a</p> <p>13 counseling statement all the way up to a</p> <p>14 recommendation of a charge, department charge.</p> <p>15 Q And a counseling statement, what is that,</p> <p>16 exactly?</p> <p>17 A A counseling statement is, it's basically a</p> <p>18 form that I take out that after I found that there was</p> <p>19 enough evidence that there was wrongdoing. I would</p> <p>20 take a copy of the policy, go out, sit with the</p> <p>21 technician, and explain what I found. And our way of</p> <p>22 working it out so it doesn't happen again was we were</p> <p>23 going to have a conversation about it. And on</p> <p>24 completion of that conversation, the technician agrees</p> <p>25 to do better and not do what they did wrong and we</p> <p style="text-align: right;">Page 13</p>

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<p>1 move on.</p> <p>2 That counseling statement stays in a file at</p> <p>3 the chief's office for two years and it's thrown out</p> <p>4 after two years. If they continue in that role of</p> <p>5 behavior, then they set a pattern. On that pattern,</p> <p>6 then we move up to the next step of the disciplinary</p> <p>7 process, which could be department charges.</p> <p>8 Q But you said you have made the</p> <p>9 recommendation for charges before, correct?</p> <p>10 A Yes.</p> <p>11 Q Does that process differ from the counseling</p> <p>12 statement?</p> <p>13 A There are certain things that you can</p> <p>14 counsel on and there are certain things that you</p> <p>15 can't.</p> <p>16 Q What --</p> <p>17 A I'm sorry?</p> <p>18 Q My apologies. Please continue.</p> <p>19 A There are certain things you can counsel on</p> <p>20 and some certain things that you can't. Again, the</p> <p>21 recommendation goes to the captain. We discuss it.</p> <p>22 Depending on the egregiousness of the action, it would</p> <p>23 even go up to the chief and then come back. Now, I've</p> <p>24 worked under a number of different chiefs from Gary</p> <p>25 Kelley -- actually, Gary Kelley was in and then James</p> <p>Page 14</p>	<p>1 MR. SHEAROUSE: Let's see, where was I?</p> <p>2 BY MR. SHEAROUSE:</p> <p>3 Q So you mentioned a couple different areas</p> <p>4 or, I guess, types of potential discipline that you</p> <p>5 issued. Was there one that was more common than the</p> <p>6 others?</p> <p>7 A Well, it varies. Like I said, every day,</p> <p>8 you know, it could be something different.</p> <p>9 Q And so, once you do your investigation and</p> <p>10 submit your report, along with that report, are you</p> <p>11 making that recommendation for discipline?</p> <p>12 A Yes. Some -- some cases, I make the</p> <p>13 recommendation for discipline. Patient care and</p> <p>14 handling was number one. Our job is to help people</p> <p>15 and take care of them and I feel that if there was an</p> <p>16 egregious act that brought suffering to that patient</p> <p>17 that it warranted disciplinary under the Detroit Fire</p> <p>18 Department policies and procedures.</p> <p>19 Q So were there certain investigations that</p> <p>20 you didn't recommend discipline on or that you</p> <p>21 couldn't -- sorry, strike that.</p> <p>22 Were there certain areas of discipline that</p> <p>23 you could not recommend disciplinary action on?</p> <p>24 A No, I can recommend disciplinary actions on</p> <p>25 everything that I came across that was infringed.</p> <p>Page 16</p>
<p>1 Kesteloot, Gerald James, assistant chief Joe Wilson --</p> <p>2 everybody had their own way of handling things. So we</p> <p>3 would just discuss it and they would make the final</p> <p>4 recommendation.</p> <p>5 Q And what sorts of things did you recommend</p> <p>6 discipline for?</p> <p>7 A It could be -- it varied -- it varied in</p> <p>8 many different degrees. Continuous violation of</p> <p>9 department policy, placing the unit in service, being</p> <p>10 in proper uniform, grooming standards, cruising the</p> <p>11 city streets, not notifying your supervisor that</p> <p>12 you're going to be out of quarters, all the way up to</p> <p>13 patient care and handling to conduct. I mean, it</p> <p>14 varied.</p> <p>15 There were, I want to believe, I don't have</p> <p>16 them anymore, but the policies and directives, there</p> <p>17 were close to 100 policy and directives that could be</p> <p>18 violated within the Detroit Fire Department EMS</p> <p>19 Division. And on top of that, you had your general</p> <p>20 rules under the fire department.</p> <p>21 THE REPORTER: I think we're having</p> <p>22 technical issues. Can he hear us?</p> <p>23 MR. MCFARLANE: Yeah, he can hear us.</p> <p>24 The video is just scrambled. He's been responding</p> <p>25 throughout.</p> <p>Page 15</p>	<p>1 However, the purpose of disciplinary isn't to be</p> <p>2 punitive or harm somebody, it's to correct bad</p> <p>3 behavior. So if I can correct the bad behavior by</p> <p>4 counseling statements on the minor stuff, like I said,</p> <p>5 not being at quarters, cruising, not placing</p> <p>6 themselves in service, you know, the minor stuff, then</p> <p>7 I was able to work that out without having to do the</p> <p>8 hardship of the paperwork and go through the whole</p> <p>9 disciplinary process unnecessarily.</p> <p>10 Q Did you ever recommend someone to be</p> <p>11 terminated?</p> <p>12 A Under General Rule 11, the only one that can</p> <p>13 put that through is the chief. I do not believe that</p> <p>14 I have ever recommended anybody be terminated. I</p> <p>15 can't recall ever submitting paperwork to have</p> <p>16 somebody terminated.</p> <p>17 Q Were you ever asked for your opinion on a</p> <p>18 termination?</p> <p>19 A No.</p> <p>20 Q So as far as terminations go, did you have</p> <p>21 any input at all?</p> <p>22 A I do not, again, recollect ever being a part</p> <p>23 of any process in which my opinion was asked due to a</p> <p>24 termination of an employee.</p> <p>25 Q Have you ever been disciplined before?</p> <p>Page 17</p>

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<p>1 A Yes, I have. 2 Q Do you remember when the last discipline you 3 received was? 4 A Yes. 5 Q When was that? 6 A I want to say 2017. 7 Q Do you remember what that was for? 8 A Yes, I do. 9 Q What was that for? 10 A It was conduct, workplace violence. An 11 allegation was made against me and the City of Detroit 12 placed me off duty and I was off for seven months. 13 Actually, I was terminated during that process. 14 Q You were terminated during that process? 15 A Yes, I was. 16 Q Did you end up coming back? 17 A I went to arbitration. My arbitration 18 attorney presented all facts, evidence, and the 19 arbitrator ruled in my favor. I was awarded my time 20 served, backpay, and made whole. 21 Q Are you aware of something in the City of 22 Detroit Fire Department known as a "do not rehire" 23 list? 24 A Yes, I am. 25 Q What is your understanding of that list?</p> <p style="text-align: right;">Page 18</p>	<p>1 infraction of department policy. Is there anything 2 else that might get someone on the do not rehire list? 3 A Again, it has to be a violation of the 4 department policies, general rules under the fire 5 department. There has to be a reason. And again, 6 that's only submitted by the chief, from my 7 understanding. 8 Q If someone resigns with pending discipline, 9 does that put them on the do not rehire? 10 A I'm not sure. I wasn't at that level to 11 make that determination or be a part of that 12 involvement. 13 Q So you're not aware of any policy that would 14 make that so? 15 A If they quit under discipline? 16 Q If they quit with pending discipline, does 17 that happen? 18 A I've heard -- I've heard of it. But, again, 19 I'm not aware of it. I don't have the policy in front 20 of me. 21 Q Okay. So you don't recall ever seeing a 22 policy like that? 23 A That's above my -- my chain. 24 Q So you don't recall ever seeing a policy 25 like that?</p> <p style="text-align: right;">Page 20</p>
<p>1 A There are certain -- there are certain 2 things that you can be terminated for that you're not 3 rehired. You're put down by the chief as a do not 4 rehire. I know attendance is one of them. The other 5 one is quitting without giving -- serving notice, just 6 up and quit. I don't want to be here anymore. You 7 don't show up for work, you don't follow through with 8 your schedule. Depending on the type of disciplinary, 9 it could be even under General Rule 11, which could be 10 a major infraction of department policy. 11 THE WITNESS: Is my video the only one 12 that's acting up? 13 MR. MCFARLANE: It appears to be. 14 MR. SHEAROUSE: Yes -- yes. 15 THE WITNESS: Okay. It's probably this 16 old computer. I'm running Windows 8 so, sorry. I 17 tried to upload the current version. I'm not techno 18 savvy. 19 MR. SHEAROUSE: It happens. It 20 definitely happens. I had somebody once doing it on 21 in early 2000's phone dial in, so I've seen it all. 22 BY MR. SHEAROUSE: 23 Q So you said that some of the things that 24 might put somebody on the do not rehire list would be 25 attendance, not serving notice and quitting, major</p> <p style="text-align: right;">Page 19</p>	<p>1 A No, but I've heard of it. Just like I've 2 heard of the other ones as well. The only one that I 3 have actually seen was General Rule 11. 4 Q Have you ever heard of somebody getting 5 taken off the do not rehire list? 6 A Not to my knowledge. 7 Q Are you familiar with a Brian Moore? 8 A Brian Moore? I know Brian Moore. 9 Q Do you know if Brian Moore was placed on the 10 do not rehire list? 11 A I don't know anything about Brian Moore, 12 anything, outside of me supervising him. 13 Q When did you supervise him from? 14 A Oh, God. Years ago. I remember working a 15 run with him where we responded to a run where a guy 16 was shot in the street. By the time that they got the 17 patient loaded in the back of the truck, I intubated 18 the patient and started the IV and helped him out. 19 That was the last time. I couldn't tell you an exact 20 date. 21 Q Are you aware if Mr. Moore attempted to 22 reapply to the City of Detroit Fire Department? 23 A Again, I don't know anything about Mr. Moore 24 as far as his employment with the city, outside of 25 working with him one-on-one.</p> <p style="text-align: right;">Page 21</p>

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<p>1 Q And what about a Nicholas Collingsworth?</p> <p>2 A Okay. I supervised Nicholas Collingsworth</p> <p>3 back in the day. I didn't supervise him directly as</p> <p>4 his immediate. Mr. Collingsworth mostly worked the</p> <p>5 west side and I would be detailed over to the west</p> <p>6 side periodically and had contact with him at that</p> <p>7 point in time.</p> <p>8 Q And are you aware of any details of his</p> <p>9 employment?</p> <p>10 A Am I aware of any?</p> <p>11 Q Yes.</p> <p>12 A As far as what?</p> <p>13 Q As far as, was he placed on a do not rehire</p> <p>14 list?</p> <p>15 A Again, I don't know.</p> <p>16 Q You mentioned earlier that improper uniform</p> <p>17 was something that could be disciplined for, correct?</p> <p>18 A Yes.</p> <p>19 Q Are there situations where a technician</p> <p>20 would be allowed to be out of uniform?</p> <p>21 A Yes, there is.</p> <p>22 Q What kind of situations would those be?</p> <p>23 A They failed to place a spare uniform on the</p> <p>24 truck and their uniform became contaminated. They</p> <p>25 have damaged their uniform to where it needed</p> <p>Page 22</p>	<p>1 supervisor, what happens?</p> <p>2 A Well, you use the chain of command. You go</p> <p>3 through the shift captain. If you make no resolution</p> <p>4 at the shift captain, you go to the assistant chief.</p> <p>5 No resolution at the assistant chief, you go to the</p> <p>6 chief.</p> <p>7 Depending on how -- what type of complaint</p> <p>8 it is, it can start there or it can go to the law</p> <p>9 department as a formal complaint through human</p> <p>10 resources -- I'm sorry -- through human resources,</p> <p>11 which then draws in the law department, depending on</p> <p>12 what the complaint is.</p> <p>13 Q Is there an investigation that's conducted?</p> <p>14 A Yes.</p> <p>15 Q Who conducts that investigation?</p> <p>16 A Depends where the complaint starts.</p> <p>17 Q Have you ever been the subject of an</p> <p>18 investigation?</p> <p>19 A Yes, I have.</p> <p>20 Q When was that?</p> <p>21 A I don't know the exact years.</p> <p>22 Q Was it sometime around 2007?</p> <p>23 A I want to say somewhere right around there.</p> <p>24 I can't be 100 percent sure.</p> <p>25 Q Do you remember what the content of that</p> <p>Page 24</p>
<p>1 alteration or repair, at which point in time they are</p> <p>2 required to have a second uniform, either -- well, at</p> <p>3 the time, which the policy changed later on -- they</p> <p>4 are required to have a spare uniform on the truck at</p> <p>5 all times.</p> <p>6 Q So if they failed to have a spare uniform on</p> <p>7 the truck and their uniform became soiled for some</p> <p>8 reason or another, would that be a violation?</p> <p>9 A It would be -- it would not be a violation</p> <p>10 if they informed the immediate supervisor or the shift</p> <p>11 captain that they had a soiled uniform and needed to</p> <p>12 make quarters to change out if they had a spare</p> <p>13 uniform at quarters. I've had times when I've had</p> <p>14 crews who, later on, when the policy was changed,</p> <p>15 didn't have a uniform in the truck. We went into the</p> <p>16 hospital, got them a gown, got them cleaned up, and</p> <p>17 they put on a hospital gown and we make sure the front</p> <p>18 of their cab was clean of any contaminants and they</p> <p>19 were sent back to quarters to change out their</p> <p>20 uniform. If they didn't have one at quarters, then</p> <p>21 they would be sent home. Which, there again, goes</p> <p>22 another violation of department policy. Because now</p> <p>23 I've got to shut a uniform -- unit down to send you</p> <p>24 home to get a replacement uniform.</p> <p>25 Q When an EMT makes a complaint against a</p> <p>Page 23</p>	<p>1 investigation was?</p> <p>2 A It was an EO2. I'm not 100 percent sure</p> <p>3 exactly what the allegations were, outside of that I</p> <p>4 made -- was alleged to have made discriminatory</p> <p>5 statements to an employee that I don't even talk to</p> <p>6 that went to another employee that said I made these</p> <p>7 statements that led to an investigation through human</p> <p>8 resources and the law department.</p> <p>9 Q And you said the allegations were based from</p> <p>10 an employee that you did not talk to at the time; is</p> <p>11 that correct?</p> <p>12 A Correct.</p> <p>13 Q Do you remember that employee's name?</p> <p>14 A Yes; Doug Bayer.</p> <p>15 Q Bear, B-E-A-R?</p> <p>16 A Something like that. B-A -- I don't know.</p> <p>17 I know it's not, like, it's, like, Bayer aspirin, I</p> <p>18 guess, B-A-Y-E-R or something like that. It's been a</p> <p>19 long time.</p> <p>20 Q Was that the only investigation that you've</p> <p>21 been the subject of?</p> <p>22 A No.</p> <p>23 Q Do you remember the other?</p> <p>24 A Yes. There was one that a lawsuit was filed</p> <p>25 against the City of Detroit naming multiple people by</p> <p>Page 25</p>

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<p>1 Kim Asaro. 2 Q And who was that filed by? 3 A Kim Asaro. 4 Q Do you know how to spell that last name? 5 A Last time I messed it up, I got yelled at. 6 I'm not even going to try. 7 Q And was there a resolution in that case? 8 A I don't know. It was at the law department. 9 Q And what were the allegations against you in 10 that case? 11 A Again, I wasn't for sure on that one. I 12 know that she -- she listed that I yelled at her from 13 across the -- the bay. We were at the apparatus shop 14 and she was socializing with one of the mechanics and, 15 due to the noise in the shop, I was trying to get her 16 attention and I hollered across the shop for her to 17 expedite and get back in service because we were short 18 units and I was sent over there to get everybody 19 moving out of the shop. So I know that was one of 20 them. Outside of that, again, I don't recall 21 everything that was -- that was listed. I don't have 22 the packet. Never received a packet. 23 Q So in that first investigation that we 24 talked about involving Doug Bayer, how does the 25 investigation process work?</p> <p style="text-align: right;">Page 26</p>	<p>1 A When I worked with him as a technician. I 2 can't vouch for his everyday work ethics after that, 3 after I became promoted. 4 Q So it sounds like what you're saying is 5 after you were promoted, there were issues? 6 A Yes, there was. I mean, you're aware of 7 that. 8 Q What kind of issues did you run into? 9 A You have the charge packets in front of you. 10 There were a couple times during his "tenature" under 11 my supervision. I've also had to counsel him for a 12 variety of things under my "tenature" as his 13 supervisor. 14 Q At some point in time during your 15 supervision of Mr. Cadoura, were you and Mr. Cadoura 16 placed on a do not work together limitation? 17 A Yes, we were. 18 Q What was the reasoning for that? 19 A An investigation. Apparently, Mr. Cadoura 20 had filed a complaint through the department or HR and 21 I received a letter from the chief indicating that we 22 were not to work directly together while the 23 investigation was going on, which is understandable. 24 It didn't hamper my overtime. If I had to 25 work, then another supervisor would assume that unit</p> <p style="text-align: right;">Page 28</p>
<p>1 A Well, that -- that process happened where 2 Mr. Bayer made some allegations to Mr. Zeineh who went 3 through, again, HR and the law department and I 4 underwent a, I want to say, close to two-year 5 investigation where they questioned pretty much every 6 member that worked for the Detroit EMS division. They 7 questioned them in a survey as to my abilities as a 8 supervisor and if I was a racist. So it basically 9 gave everybody an open forum to give their opinion of 10 what they thought of me. 11 Q During that investigation, did you have to 12 contact witnesses yourself? 13 A No. 14 Q At some point in time, you were the 15 supervisor for Richard Cadoura; is that correct? 16 A Correct. 17 Q Do you remember what years that was? 18 A No, I do not. 19 Q Was EMT Cadoura a good EMT as it relates to 20 patient care? 21 A Well, I worked with Cadoura when I was a 22 paramedic and I had no problems working with him as a 23 paramedic. 24 Q So as an EMT himself you would say he was a 25 good EMT?</p> <p style="text-align: right;">Page 27</p>	<p>1 or that side of town and vice versa. If he worked 2 overtime, he would be placed in a different sector 3 than me or given to a different supervisor to 4 supervise. 5 Q Was there any action that resulted from that 6 investigation? 7 A The only thing that I received was a letter 8 exonerating me from -- from the allegations, whatever 9 they were. I don't know what they were. 10 Q And after that, did you and Mr. Cadoura 11 continue to work together? 12 A I continued to supervise Mr. Cadoura; I 13 believe so. 14 Q Do you recall any incidents involving both 15 Mr. Cadoura and a Mr. Zeineh, Z-E-I-N-E-H? 16 A You'd have to be specific as to what 17 incident. 18 Q An incident at the hospital involving a run 19 sheet. 20 Q I have -- I remember that I was sent to do 21 an investigation -- well, to gather facts as to a unit 22 that was reporting in service and a minute later they 23 weren't anywhere near the hospital. And I was 24 requested to take a look at the run sheet as to the 25 documentation of the time that the unit actually put</p> <p style="text-align: right;">Page 29</p>

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<p>1 themselves in service to see if there was discrepancy 2 between the run sheet and the time that they reported 3 to dispatch. 4 Q And what happened during your investigation? 5 A To the best of my recollection, I went out 6 to the medic quarters. I asked for a copy -- to see 7 their run sheet and Mr. Zeineh refused to give it to 8 me. 9 Q Do you remember him invoking his Weingarten 10 rights? 11 A Yes, I do. 12 Q And did he ever give you the run sheet? 13 A No, he didn't. I went in the truck and got 14 it out of the glove box. 15 Q Did Mr. Cadoura inform you where the run 16 sheet was? 17 A I don't recall that. 18 Q Do you know if Mr. Zeineh was disciplined 19 for that? 20 A Yes, he was. 21 Q What kind of discipline did he receive? 22 THE WITNESS: Mr. McFarlane, am I able 23 to discuss Mr. Zeineh's work record? 24 MR. MCFARLANE: Unless you hear an 25 objection, you can go ahead and answer.</p> <p style="text-align: right;">Page 30</p>	<p>1 THE REPORTER: You're welcome. 2 MR. SHEAROUSE: Very good. Are you 3 able to see the document on my screen? 4 THE WITNESS: Yes, I am. I'm able to 5 see it. It's small, but I can see it. 6 MR. SHEAROUSE: Let me see if I can 7 zoom in for you. 8 THE WITNESS: Okay, that's good. 9 MR. SHEAROUSE: That's a little bit 10 better? I'll give you a second to read this over and 11 you let me know if you remember this incident. 12 THE WITNESS: Okay. 13 BY MR. SHEAROUSE: 14 Q Okay. Do you recall that incident? 15 A Yeah. I briefly, you know, I remember bits 16 and pieces of it. It happened a long time ago. 17 Q Did you conduct an investigation into this? 18 A There wasn't really anything to conduct an 19 investigation into. I submitted documentation as to 20 the shift captain as to my encounter. To do an 21 investigation, I'd have to pull video and a whole 22 bunch of other things, you know, get to the hospital 23 and see if they have video, and I don't recall pulling 24 any video. I believe the captain may have done the 25 investigation. I'm not sure.</p> <p style="text-align: right;">Page 32</p>
<p>1 THE WITNESS: Okay. Mr. Zeineh was -- 2 the only set of charges that were received from that 3 was insubordination for Mr. Zeineh. Your Weingarten 4 rights doesn't protect you from giving me a run sheet. 5 That protects you from making a statement that could 6 lead to disciplinary action. Me questioning you, it's 7 like you going in and receiving your -- being 8 mirandized, okay? Because being mirandized, anything 9 you say afterwards can be held against you. However, 10 the evidence that I collect at that scene does not 11 prevent you from being prosecuted, the process of 12 disciplinary. 13 Q Do you know what ethnicity Mr. Zeineh is? 14 A I'm not sure exactly what ethnicity he is. 15 I don't know -- I know he's Middle Eastern, based on 16 what I found out during his allegations under his EO2 17 against me back in '07-'08, something like that. He 18 was Middle Eastern. I don't know exactly. 19 MR. SHEAROUSE: I'm going to go ahead 20 and share my screen here real quick. Oh, sorry. 21 Madam Court Reporter, could I get permission to share 22 the screen? I think I may have had it and then when I 23 left I think it revoked it. 24 THE REPORTER: You're all set. 25 MR. SHEAROUSE: Wonderful; thank you.</p> <p style="text-align: right;">Page 31</p>	<p>1 Q Did you ever see the statements from the 2 other two EMTs that were there? 3 A Yeah. I think I got something here that was 4 in that packet on this one. Let me see if I can find 5 it. Mark Astalos and Pat Payne submitted some 6 documentation. 7 Q And you said you had those statements in 8 front of you? 9 A Yes, I do. Yeah. They were asked to submit 10 letters. I'm sorry. 11 Q And are those in their own handwriting? 12 A I guess they're in their handwriting. I'm 13 not sure. I don't -- I'm not an expert at handwriting 14 and I don't have a copy of their -- but this is what's 15 submitted within the packet. 16 Q And reading over that statement, do you see 17 towards the bottom of Mr. -- I can't pronounce that 18 name. 19 A Astalos? 20 Q Yeah, Astalos. I butchered that last 21 name -- Mark's, I'll call him Mark -- at the bottom of 22 Mark's statement, where he says "Mr. Cadoura said in a 23 nonthreatening voice."? 24 A Okay. 25 Q Is there a reason that Mr. Mark would say</p> <p style="text-align: right;">Page 33</p>


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<p>1 that it was in a nonthreatening voice and differ from 2 your account? 3 A Technicians don't like to go against 4 technicians. Just like police don't go against police 5 and firefighters don't go against firefighters. 6 Technicians don't like to go against technicians. 7 Q So you're saying Mr. Mark's account is 8 incorrect? 9 A Yes. 10 Q And would that be the same for Mr. Payne's 11 account as well? 12 A Correct. 13 Q And other than your statement given to the 14 chief on this incident, are there any other documents 15 that support your position? 16 A I don't believe so. I'm not sure. 17 Q You said you left the City of Detroit in 18 2018, correct? 19 A Correct. 20 Q Do you ever recall Mr. Cadoura reapplying to 21 the City of Detroit EMS? 22 A No. I'm not -- I'm not 100 percent sure. I 23 know somebody who had left was trying to get their job 24 back but I'm not sure who it was, if it was Cadoura. 25 You mentioned Hollingsworth. I'm not sure who it</p> <p style="text-align: right;">Page 34</p>	<p>1 was placed on a do not rehire, so that would be 2 premature for me to say. 3 Q If Mr. Cadoura was placed on do not rehire 4 due to pending discipline, would that be something 5 that you're familiar with? 6 A I am not familiar, again, with why he left, 7 under what circumstances that Mr. Cadoura left, or 8 even him applying for the City of Detroit again. I'm 9 not aware of it. 10 Q But more generally, are you aware of any 11 policy that states that pending discipline is 12 automatic placement on the do not rehire list? 13 A I'm not aware. Again, that's above my pay 14 grade. 15 MR. SHEAROUSE: I'm going to go ahead 16 and share my screen here real quick. I zoom in for 17 you. Do you see this document in front of you? 18 THE WITNESS: If you can zoom it up? 19 Yes, I see the document. 20 MR. SHEAROUSE: I can zoom in a little 21 bit more, if that helps? 22 BY MR. SHEAROUSE: 23 Q This was in reference to that run sheet that 24 we mentioned earlier. 25 A Yes.</p> <p style="text-align: right;">Page 36</p>
<p>1 might have been, or Brian Moore? I don't know. 2 Q Around 2018, was there a large need for more 3 EMTs in the City of Detroit EMS? 4 A There's always a need for EMTs in the City 5 of Detroit. 6 Q Hopefully, experienced ones? 7 A Everybody. Even private sectors are looking 8 for experienced EMTs. I can walk out the door right 9 now and have a job within a couple of hours. 10 Q And do you have any input in the rehiring 11 process? 12 A No, I do not. 13 Q Did anyone ever ask you for your opinion on 14 the applicants? 15 A I do not recall being asked for anybody who 16 wanted their job back how I felt about it. 17 Q So you were never asked about Mr. Cadoura? 18 A No, I was not. 19 Q Were you aware that he was placed on the do 20 not rehire list? 21 A No, I was not. 22 Q Do you believe he should have been on a do 23 not rehire list? 24 A I don't have his disciplinary record and nor 25 do I have his HR record, which would indicate why he</p> <p style="text-align: right;">Page 35</p>	<p>1 Q Do you see towards the bottom, the third 2 paragraph, where it says "Technician Richard Cadoura, 3 Badge Number 608, directed me to the location of the 4 requested run sheet." 5 A Okay. 6 Q Does that help refresh your memory on if Mr. 7 Cadoura directed you to the run sheet? 8 A Yes -- yes, it does. 9 Q Okay. Do you have any reason to correct 10 that statement in this document right here? 11 A No. There's no reason for me to recorrect 12 it. If Mr. Zeineh refused to give it to me and go to 13 the truck and get it, and Mr. Cadoura obviously, in my 14 statement, typed out that he directed me where the run 15 sheet was at. 16 Q So when a unit is out, is in service, and is 17 looking to refuel, do they need to notify dispatch? 18 A Yes, they do. If they don't have a fuel 19 yard immediately in their location and they're heading 20 away from their immediate area, they're going to 21 notify dispatch they're heading for fuel. And when 22 they arrive at the fueling yard, they're required to 23 let dispatch know they're at the fueling yard. And 24 when they leave the fueling yard, dispatch is 25 notified. This way, they're not given a run while</p> <p style="text-align: right;">Page 37</p>


10 (Pages 34 - 37)

<p>1 they're fueling their truck, unless it's a top 2 priority and they have no units available. 3 Q And is that a City of Detroit policy? 4 A It's an EMS policy. 5 Q EMS policy? 6 A Yup. 7 Q And would that policy be in the handbook? 8 A It should be. Again, I don't have that 9 stuff with me anymore. It's either a policy or a 10 directive. 11 Q What's the difference between a policy and a 12 directive? 13 A A directive is, basically, the chief -- 14 again, I can't give directive, a formal directive to 15 the entire division. The chief will make a directive. 16 Instead of invoking a policy, this is a directive. 17 This is what I'm telling you you have to do in lieu of 18 this policy, all orders of your superior must be met. 19 Okay? They'll put out directives. And directives and 20 the policies go into a book at quarters. Every day 21 that we make rounds to them quarters, if we have a new 22 one, we not only put it in the book but we also 23 document that it's there for the crew to review. And 24 if we see the crew, sometimes we'll even share it with 25 the crew. You know, go up if we've got time and</p> <p style="text-align: right;">Page 38</p>	<p>1 directives, mail that needed to go out to the field to 2 the crews would be given to each sector boss and we'd 3 take it out. 4 Something like this, we would have to meet 5 up with every unit. And within 24 -- I mean, by the 6 end of that shift or after speaking to them, I should 7 say, that's when that policy should be instituted by 8 that crew. They have to put it in the glove box. 9 They can't put it in the clipboard anymore. And there 10 were other technicians later on that were found to be 11 in violation. Old habits are hard to break. 12 Q Other than this current lawsuit, are you 13 aware of any of Mr. Cadoura's other lawsuits? 14 A No, I'm not aware of any other lawsuits from 15 Mr. Cadoura. 16 Q Are you aware of a news story involving 17 ambulance response times that Mr. Cadoura was a part 18 of? 19 A No, I'm not. I think there was a piece of 20 paper in here for Vince Fourment where he had spoke to 21 Mr. Cadoura that I read, but I'm not aware of the 22 actual incident. I wasn't part of it. 23 Q You said that was from who? 24 A Jim -- Vince Fourment had found that -- it 25 was one of the forms in the packet. Mr. Fourment had</p> <p style="text-align: right;">Page 40</p>
<p>1 explain the new directive. 2 Q And to your knowledge, the run sheets that 3 we were talking about earlier, where are those stored? 4 A I know there was a directive that they were 5 not to be kept in the -- again, I don't -- I'd have to 6 look. Hold on. Let me see if I can find that one. 7 Okay. That's what it was. The run sheets -- they 8 didn't want the run sheets being kept in the clipboard 9 because what happened was we used to just plop all of 10 the run sheets in there. And based on HIPAA, if you 11 lost your clipboard now there's ten run sheets out 12 there. So when you got back to your truck when you 13 completed your run sheet you were supposed to put it 14 in the glove box. 15 Q Do you know when that directive was issued? 16 A Policy and procedure dated 4/4 of '07. 17 Q And so, a new directive like that, is there 18 a grace period for the people in the field to adhere 19 to that or is it immediate adherence? 20 A Well, what happens with something like this, 21 because it's such HIPAA sensitive, when we have our 22 shift briefing before we go afield -- because when we 23 report, we report -- we reported to fire headquarters. 24 We didn't have a fire station we went to. We'd go 25 through our mail and any new policies, procedures,</p> <p style="text-align: right;">Page 39</p>	<p>1 spoke with Cadoura about speaking with the media. 2 Q Do you remember what the contents of that 3 were? 4 A He walked up and I guess he was talking to 5 the media. And we're not allowed to, even as 6 supervisors, talk with the media and if we do we can 7 be subjected to disciplinary. 8 Q Is there any position that someone might 9 hold in the union that might allow them to speak to 10 the media? 11 A The union can, when it came to the union 12 president. The union president spoke to the media 13 quite often whenever there was issues related to 14 Detroit EMS. And he's speaking on behalf of the 15 union. He's not, at that point in time, speaking on 16 behalf of the technicians in uniform, I should say. 17 He's not the liaison for the city of Detroit to speak 18 to the media. 19 Q So what happens if someone speaks to the 20 media? 21 A A report is generated, sent up, and the 22 chief will make a determination in violation of the 23 department policy. 24 Q And is there a disciplinary action that's 25 typically done for speaking to the media?</p> <p style="text-align: right;">Page 41</p>

11 (Pages 38 - 41)

<p>1 A That's up to the chief. 2 Q Were you aware of anybody ever being 3 disciplined for speaking to the media? 4 A Not that I know of. I know they've been 5 spoken to, but I don't know -- I'm not, again, I'm not 6 familiar with everybody's actions and the goings on of 7 everything in EMS. 8 Q Do you know if Mr. Cadoura was ever spoken 9 to about speaking to the media? 10 A Yeah. He was spoken to based on Vince 11 Fourment's letter that I reviewed that was sent with 12 this packet. He was spoken to. 13 Q Do you know if he was ever disciplined for 14 that? 15 A I don't know. I wasn't part of anything. I 16 wasn't his supervisor. I wasn't involved in it. 17 Q During your time with the City of Detroit, 18 did you notice any discrimination or harassment on the 19 basis of race? 20 A No. Every year we are -- every year we 21 receive a packet from the city, an EO2, on 22 discrimination against -- for somebody's race, their 23 sex, their gender, their sexuality, makeup, whatever 24 they wanted to be, and it was enforced. And we took 25 it out and spoke with crews about it as well.</p> <p style="text-align: right;">Page 42</p>	<p>1 questions. 2 BY MR. SHEAROUSE: 3 Q Did you ever supervise a technician named 4 Kevin Williams? 5 A Yes, I did. 6 Q Do you know if he was placed on the do not 7 rehire list? 8 A I'm not sure if he was placed on the do not 9 rehire. 10 Q Do you ever recall disciplining Mr. 11 Williams? 12 A Again, unless I have all my records, files, 13 I can't attest to that. 14 MR. SHEAROUSE: I don't think I have 15 anything further. 16 MR. MCFARLANE: I have no questions. 17 MR. SHEAROUSE: All right. That will 18 conclude us for the day. Thank you so much for your 19 time, Mr. Sablowski. 20 THE WITNESS: No problem. 21 THE REPORTER: All right. We are off 22 the record here at 2:32 p.m. 23 (Whereupon, at 2:32 p.m., the 24 proceeding was concluded.) 25</p> <p style="text-align: right;">Page 44</p>
<p>1 Everybody was held to the department standards. And I 2 never witnessed anybody directly target anybody or 3 make any comments against somebody's race directly. 4 Q In your opinion, was Mr. Cadoura an asset to 5 the City of Detroit EMS? 6 A I don't have an opinion of Mr. Cadoura or 7 any other employee that works for the city. Outside 8 of them doing their job, and if you asked me how they 9 were doing at that one moment. I wasn't always Mr. 10 Cadoura's or a number of technicians' immediate 11 supervisor. Sometimes I was just a fill in. 12 MR. SHEAROUSE: Okay. Let's go ahead 13 and take a ten minute break. I'm going to review my 14 notes here for a little bit. We'll come back here, 15 let's just call it 2:30, we'll restart. 16 THE WITNESS: Okay. 17 MR. MCFARLANE: Go ahead and stop your 18 video and mute yourself and then we'll be back. 19 THE REPORTER: Okay. We are off the 20 record here at 2:17. 21 (Off the record.) 22 THE REPORTER: Okay. We are back on 23 the record here at 2:31 p.m. 24 MR. SHEAROUSE: Mr. Sablowski, I 25 appreciate your time. I just have a few more</p> <p style="text-align: right;">Page 43</p>	<p>1 CERTIFICATE OF DEPOSITION OFFICER 2 I, QIUANA GLOVER, the officer before whom 3 the foregoing proceedings were taken, do hereby 4 certify that any witness(es) in the foregoing 5 proceedings, prior to testifying, were duly sworn; 6 that the proceedings were recorded by me and 7 thereafter reduced to typewriting by a qualified 8 transcriptionist; that said digital audio recording of 9 said proceedings are a true and accurate record to the 10 best of my knowledge, skills, and ability; that I am 11 neither counsel for, related to, nor employed by any 12 of the parties to the action in which this was taken; 13 and, further, that I am not a relative or employee of 14 any counsel or attorney for any of the parties to the 15 hereto, nor financially interested in the 16 outcome of this act</p> <p style="text-align: center;">  QIUANA GLOVER Notary Public in and for the State of Michigan </p> <p style="text-align: right;">Page 45</p>

12 (Pages 42 - 45)

<p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2 I, DIANE OTTO, do hereby certify that this</p> <p>3 transcript was prepared from the digital audio</p> <p>4 recording of the foregoing proceeding, that said</p> <p>5 transcript is a true and accurate record of the</p> <p>6 proceedings to the best of my knowledge, skills, and</p> <p>7 ability; that I am neither counsel for, related to,</p> <p>8 nor employed by any of the parties to the action in</p> <p>9 which this was taken; and, further, that I am not a</p> <p>10 relative or employee of any counsel or attorney</p> <p>11 employed by the parties to the action, financially or</p> <p>12 otherwise interrelated with the action.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p></p> <p>DIANE OTTO, CER, CET 1353</p>
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EXHIBIT E

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4 RICHARD CADOURA,
5 Plaintiff, CASE NO. 20-cv-12986
6 -vs- HON. GERSHWIN A. DRAIN
7 THE CITY OF DETROIT, MAGISTRATE ANTHONY P.
8 Defendant. PATTI
9 _____/

10 The Deposition of JERALD JAMES, taken via Zoom,
11 before me, Carol L. Martin, CSR-3532, a Notary
12 Public, in and for the County of Oakland, State of
13 Michigan, on Friday, January 6, 2023, commencing at
14 or about 1:00 p.m..

15 APPEARANCES:

16 For the Plaintiff:

17 CARLA D. AIKENS, P.L.C.

18 By: Mr. Austen Shearouse

19 615 Griswold Street, Suite 709

20 Detroit, Michigan 48226

21 (844) 835-2993
22
23
24
25

Page 1

1 APPEARANCES CONTINUED:	1 Friday, January 6, 2023
2 For the Defendant:	2 1:00 p.m.
3 CITY OF DETROIT LAW DEPARTMENT	3 * * *
4 By: Mr. Jason McFarlane	4 J E R A L D J A M E S
5 2 Woodward Avenue, Suite 500	5 after having been first duly sworn to tell the
6 Detroit, Michigan 48226	6 truth, the whole truth, and nothing but the
7 (313) 237-0548	7 truth, was examined and testified as follows:
8	8 EXAMINATION
9	9 BY MR. SHEAROUSE:
10	10 Q. Good afternoon. My name is Austen Shearouse and
11	11 I represent the Plaintiff Cadoura in this matter.
12	12 Real quick, just a couple of ground rule
13	13 questions. Have you ever had your deposition
14	14 taken before?
15	15 A. Yes.
16	16 Q. Yes? Okay. So just sort of as a reminder,
17	17 especially with us being on Zoom, make sure that
18	18 I've finished the question before answering. I
19	19 know sometimes you can kind of tell where I'm
20	20 going with the question, but it makes it easier
21	21 for the court reporter, if we just get that extra
22	22 couple of seconds to make sure that we don't talk
23	23 over each other, and I'll try to do the same with
24	24 your answer. I know it will still happen. It
25	25 always inevitably happens that one of us ends up
Page 2	Page 4
1 I N D E X	1 talking over each other at some point, but I'm
2 WITNESS: PAGE:	2 going to do my best to make sure that I let you
3 JERALD JAMES	3 fully answer my questions and all I ask is that
4 Examination by Mr. Shearouse 4	4 you allow me the same for my questions to be out.
5 Examination by Mr. McFarlane 49	5 If at any point in time you need a
6 Re-Examination by Mr. Shearouse 50	6 break, just let me know. I'm happy to allow
7	7 that. All I ask is that if I've posed a question
8 NO EXHIBITS MARKED	8 or opposing counsel has posed the question, you
9	9 answer the question and then we can go ahead and
10	10 take that break.
11	11 We'll go ahead and get started. Can I
12	12 have your full name for the record, please?
13	13 A. Jerald James.
14	14 Q. That's J-e-r-a-l-d?
15	15 A. Correct.
16	16 Q. And what is your date of birth?
17	17 A. 5-6-70.
18	18 Q. And what is your current address?
19	19 A. 29122 Rachid, R-a-c-h-i-d, Lane, and that's
20	20 Chesterfield, Michigan 48047.
21	21 Q. And how long have you resided at that address?
22	22 A. Since 2007.
23	23 Q. Is there anyone else that lives at that address
24	24 with you?
25	25 A. Yes, my family.
Page 3	Page 5

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<p>1 Q. And who is that specifically?</p> <p>2 A. That's my wife, Donnell James. And do I have to</p> <p>3 reveal my child's name to you?</p> <p>4 Q. Just the name. I'm not going to ask for ages or</p> <p>5 anything like that.</p> <p>6 A. Well, that's the question I had is why does my</p> <p>7 15-year-old child have to be revealed in a</p> <p>8 deposition?</p> <p>9 Q. I'm just getting who all is present and could be</p> <p>10 potentially there at the house that can</p> <p>11 potentially hear these conversations or --</p> <p>12 A. I'm not at home right now. I'm at work.</p> <p>13 Q. Okay. So you're at your office right now?</p> <p>14 A. That's correct.</p> <p>15 Q. Is there anybody else in the office with you?</p> <p>16 A. In my -- my particular office? No. There are</p> <p>17 other employees here, but, no, not at my office.</p> <p>18 The door is closed.</p> <p>19 Q. Okay. And you're currently employed with the</p> <p>20 City of Detroit?</p> <p>21 A. No, I am not.</p> <p>22 Q. What is your current employment?</p> <p>23 A. I am an Executive Administrator for the Michigan</p> <p>24 Association of Police.</p> <p>25 Q. And when did you start that position?</p> <p style="text-align: right;">Page 6</p>	<p>1 years and then I voluntarily stepped down back to</p> <p>2 Captain from '14 until I retired in '16.</p> <p>3 Q. Was there any particular motivation for that</p> <p>4 voluntary stepdown?</p> <p>5 A. I didn't like the current commissioner nor the</p> <p>6 deputy commissioner. I felt they were woefully</p> <p>7 inaccurate for their position.</p> <p>8 Q. Do you know their names?</p> <p>9 A. Yep. Sydney Zack was the Deputy Commissioner.</p> <p>10 Jonathan Jackson was the Fire Commissioner.</p> <p>11 Q. And how long had they been in those roles?</p> <p>12 A. Mr. Jackson had recently got promoted with the</p> <p>13 election of Mayor Duggan. I don't know his exact</p> <p>14 appointment date, and Sydney Zack kind of rotated</p> <p>15 between the Fire Department, Police Department,</p> <p>16 back to the Fire Department, so I can't tell you</p> <p>17 exactly how many connected or continuous years</p> <p>18 she had with the Fire Department.</p> <p>19 Q. Do you know if they were in those positions in</p> <p>20 2012/2013?</p> <p>21 A. Jonathan Jackson no. Sydney Zack may have been</p> <p>22 in '13. I can't recall exactly when she got</p> <p>23 promoted, but it was after I was already Chief.</p> <p>24 She came from the Law Department.</p> <p>25 Q. She came from the Law Department?</p> <p style="text-align: right;">Page 8</p>
<p>1 A. 2015.</p> <p>2 Q. And what are your current job responsibilities in</p> <p>3 that role?</p> <p>4 A. I am a labor relations advocate. Enforcement</p> <p>5 of contracts, grievance filing, contract</p> <p>6 negotiations. I represent close to 150 different</p> <p>7 bargaining units.</p> <p>8 Q. And prior to this position, what was your</p> <p>9 employment?</p> <p>10 A. I did work for the City of Detroit EMS Division</p> <p>11 until September of 2016. 1991 through September</p> <p>12 of 2016.</p> <p>13 Q. And when you were hired in 1991, what was your</p> <p>14 position?</p> <p>15 A. I was an Emergency Medical Technician for the EMS</p> <p>16 Division.</p> <p>17 Q. And was that the same position that you held in</p> <p>18 2016?</p> <p>19 A. No.</p> <p>20 Q. What position did you hold in 2016?</p> <p>21 A. I was a Paramedic Shift Supervisor at the rank of</p> <p>22 Captain.</p> <p>23 Q. And when did you assume that role?</p> <p>24 A. Initially in 2008. I held that position for two</p> <p>25 years. I was then promoted to Chief for four</p> <p style="text-align: right;">Page 7</p>	<p>1 A. Correct.</p> <p>2 Q. So other than the promotion to Paramedic Shift</p> <p>3 Supervisor at the rank of Captain and the</p> <p>4 promotion to Chief, were there any other</p> <p>5 promotions that you were given during your time</p> <p>6 with the City of Detroit?</p> <p>7 A. Yes. I went from EMT to Paramedic in 1998, I</p> <p>8 went from Paramedic to Lieutenant in 2003, and I</p> <p>9 went from Lieutenant to Captain in 2008 and</p> <p>10 Captain and Chief in 2010.</p> <p>11 Q. And then you said you voluntarily stepped back</p> <p>12 down in 2014, correct?</p> <p>13 A. That is correct.</p> <p>14 Q. Thank you. So when you started out as an</p> <p>15 Emergency Medical Tech for the EMS Division, what</p> <p>16 were your responsibilities?</p> <p>17 A. Responding to calls for service through 911 on</p> <p>18 an ambulance and providing treatment/transport to</p> <p>19 residents, patients, visitors of the City of</p> <p>20 Detroit.</p> <p>21 Q. And how does that differ from the paramedic</p> <p>22 position?</p> <p>23 A. The paramedic has a more advanced skill set.</p> <p>24 They're able to push medication, add more</p> <p>25 advanced airway procedures, use defibrillators,</p> <p style="text-align: right;">Page 9</p>

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<p>1 etc.. So it's more of a transitional upgrade 2 from an EMT to a paramedic, but the outcome is 3 the same. You still treat/transport sick and 4 injured. 5 Q. And is there a requirement for extra licensing to 6 be a paramedic? 7 A. That is correct. You have to attend a paramedic 8 class that's approved by the Michigan Department 9 of Health and Human Services. You get certified 10 after that class and then you have to take a 11 test -- a state exam, and then upon passing that 12 test, you're licensed to perform as a paramedic. 13 Q. So other than needing that license and 14 certificate, is there any other additional 15 requirements to become a paramedic? 16 A. To become a paramedic for the City of Detroit, 17 yes, you have to have an ACLS Card. Advanced 18 Cardiac Life Support, and you have to be approved 19 through the Detroit East Medical Control 20 Authority to function in their control zone as a 21 paramedic. 22 Q. What was that organization you said that you 23 needed to be approved by? 24 A. The Detroit East Medical Control Authority. 25 Q. So once you have that approval, your ACLS Card, Page 10</p>	<p>1 or higher of attendance control -- their 2 attendance control program and you could not have 3 any active discipline for you to be considered 4 for a promotion. 5 Q. And you said active discipline. How does one go 6 about resolving an active discipline? 7 A. Either through the grievance process through your 8 collective bargaining agreement or at the time 9 there was an internal appeal process, which was 10 called a Trial Board, which was governed by the 11 Fire Department. 12 Q. So until you went through one of those processes, 13 was the discipline considered active? 14 A. Only for two years. 15 Q. So I just want to make sure I'm understanding 16 this. If after two years the Trial Board had 17 not been -- a person had not gone for a Trial 18 Board or aggrieved this discipline, it would be 19 removed? 20 A. It wouldn't be removed, but it could not be used 21 against you for the purposes of progressive 22 discipline and/or restriction for a promotion. 23 Q. Okay. And in your role as Shift Supervisor and 24 Chief, did you ever have to discipline a 25 subordinate? Page 12</p>
<p>1 and this advanced license, you would then be 2 available to become a paramedic? 3 A. To function as a paramedic with the City of 4 Detroit, correct. 5 Q. Okay. Are there any other requirements to become 6 a paramedic than those? 7 A. Not for the City of Detroit, no. 8 Q. Okay. If someone is looking to become promoted 9 to paramedic, do you know what sorts of -- what 10 sort of process they would go about? 11 A. When I was being promoted, yes. Currently -- 12 I've been gone for six years. I don't know what 13 they're doing currently. I mean if you want me 14 to detail what I had to do, I can. 15 Q. Yes. Can you tell me what you went through when 16 you originally were promoted? 17 A. We had to submit a letter to the chief of EMS 18 requesting to be promoted to paramedic. They 19 would then review that request. You had to do 20 what was essentially a skills evaluation. You 21 had to go to the training section, perform a 22 skills assessment on starting IVs, intubation, 23 CPR. You had to do a written exam, which more or 24 less validated your knowledge of the local 25 medical protocols. You could not be on step two Page 11</p>	<p>1 A. As Chief, I disciplined. As Shift Supervisor, I 2 recommended discipline. 3 Q. And what was the process for recommending 4 discipline as a Shift Supervisor? 5 A. Well, you had to -- obviously within the 6 construct of the contract, we had to do an 7 investigation, which was a result of interviews 8 with the employee, the complainant, if it was a 9 complaint issue. If it was a lieutenant, they 10 would provide the investigation to me, I would 11 review it, and then I would have to either agree 12 or disagree with their recommendation and then 13 sign off on that document and forward it to the 14 chief for their final resolution. 15 Q. In that investigation, did you typically conduct 16 those investigations at the station house? 17 A. Typically, yes, they were either at a firehouse 18 where the employee is normally assigned to their 19 medic unit or they would be brought to the EMS 20 headquarters per se in an investigative affair. 21 Q. Was there ever a situation where an investigation 22 would be conducted out in the field? 23 A. It happened rarely, if you met a crew at a 24 hospital, if there was a scenario dealing with 25 uniform issues, accidents. So, yeah, depending Page 13</p>

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<p>1 on the circumstances, there were some field 2 investigations, but for the most part, they were 3 conducted in-house. 4 Q. So you mentioned that the few times that it would 5 happen in the field, those were uniform issues or 6 accidents, correct? 7 A. It could be. I mean it would be something minor 8 for you to question an employee at their truck, 9 but an accident scene, you would meet, if the 10 crew was okay. There would be -- sometimes you 11 met them on the scene, at the hospital. Maybe a 12 complaint on the scene. Violent person, etc., 13 stolen equipment. So there are some times. 14 It just depends on the circumstance where the 15 investigation would be done in the field, but 16 primarily they were done inside of a firehouse or 17 at what was deemed to be the headquarters for 18 EMS. 19 Q. Okay. And what sort of uniform issues would lead 20 to an investigation? 21 A. Well, any violation of the Department's uniform 22 expectation would prompt or could prompt an 23 investigation, i.e., not shaving, not wearing a 24 uniform properly, not wearing the required 25 components of the uniform. So any violation of a</p> <p style="text-align: right;">Page 14</p>	<p>1 the fire commissioner, but they ultimately had to 2 approve any terminations or suspensions over 30 3 days. 4 Q. And with these open discipline actions, it would 5 limit somebody from seeking a promotion, correct? 6 A. It could, only if it was a suspension. If it was 7 a written reprimand, from that perspective, it 8 could restrict the promotion, but, yeah, it would 9 have to be a suspension or higher. 10 Q. Okay. And was there any particular requirement 11 on how long the suspension had to be or just any 12 suspension was a bar? 13 A. Yeah, any active suspension. Anything less than 14 24 months. 15 Q. If an employee wanted to appeal a suspension or 16 appeal a -- strike that. 17 If an employee wanted to appeal a 18 discipline, how would they go about doing that? 19 A. There's two routes. One would be they could 20 either file a grievance and have a union appeal 21 it up to and including arbitration or there was a 22 form -- a Trial Board request that the employee 23 or the union completed. They would then submit 24 that Trial Board request to the Office of the 25 Fire Commissioner and the Fire Commissioner's</p> <p style="text-align: right;">Page 16</p>
<p>1 set uniform standard could promote or prompt an 2 investigation. 3 Q. And, to your knowledge, are there circumstances 4 that would allow an individual not to adhere to 5 the uniform policy. 6 A. Only if that individual's safety or health was at 7 risk. 8 Q. So if a paramedic or EMT had gotten blood on 9 their uniform at a scene, would that be cause for 10 them not to have that part of the uniform on? 11 A. Yes. Bloodborne packaging, hazardous material. 12 That would be -- that would be something that 13 would promote them to not properly wear a 14 particular uniform. Correct. 15 Q. And then as chief, you said you did discipline in 16 your time; is that correct? 17 A. Correct. As the Chief, I had the final say from 18 the division, if discipline was going to be 19 carried out and barring significant discipline, 20 i.e., termination or suspensions of 30 days or 21 longer, I had the authority to approve those 22 without the fire commissioner's signoff. Any 23 discipline above 30 days or termination, I could 24 not do. It had to come from the Fire 25 Commissioner's Office. I could recommend it to</p> <p style="text-align: right;">Page 15</p>	<p>1 Office would then schedule the Trial Board based 2 on that appeal request. 3 Q. And about how soon after was the Trial Board 4 hearing supposed to occur? 5 A. There was no set time. It was all based on the 6 Commissioner's Office and the rank of the 7 individuals that were available. You had to be 8 at the level of battalion chief or higher for you 9 to sit on a Trial Board. So the pool of 10 eligible candidates was restricted, but there was 11 no set time. It could be anywhere from 30 days. 12 Some of them never got scheduled for years. 13 Q. So there was an issue with scheduling these Trial 14 Boards for disciplines? 15 A. Yes. It was horrible. Correct. 16 Q. Was it due to a lack of staffing or was it due to 17 the amount of disciplines that were being issued? 18 A. It was a combination of both, because there was 19 a limited amount of people who are eligible to 20 sit on the panel and they were doing them not 21 only for the EMS Division. It was for the Fire 22 Department as a whole. So that select group of 23 individuals had to review, appeal, judge on any 24 discipline within all eight or nine divisions of 25 the Fire Department.</p> <p style="text-align: right;">Page 17</p>

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<p>1 Q. And once you became a Shift Supervisor in 2008, 2 did you notice more disciplines being issued than 3 when you were a Paramedic? 4 A. No, I wouldn't have any insight as to how many 5 disciplines any other shift had submitted. The 6 only person that had that access would be the 7 commissioner -- I mean the fire -- I mean the EMS 8 chief. 9 Q. And then when you were promoted to Chief in 2010, 10 did you happen to notice any large amount of 11 disciplines? 12 A. No, not anymore than I did when I was a union 13 rep. As a union rep -- actually, from the time I 14 got promoted forward, there were considerably 15 less disciplines that I was aware of as a union 16 rep versus when I got promoted. 17 Q. So you knew about less disciplines when you were 18 the union rep or when you were -- 19 A. More disciplines. More disciplines when I was a 20 union rep. There were multiple terminations, 21 multiple leaves without pay. We were doing 22 grievances and Trial Boards almost weekly. 23 Q. And what dates were you a union rep? 24 A. I was a Union Steward from '95 until '98. I 25 become a Chief Steward in '98 and the Union</p> <p style="text-align: right;">Page 18</p>	<p>1 to discipline action, such as oral -- an oral 2 consultation, a written reprimand, a charge, and 3 a discharge; is that correct? 4 A. Similar to that, correct. There is an oral 5 reprimand, a written reprimand, a suspension, and 6 then demotion, if you are in a higher level, and 7 then termination. Correct. 8 Q. So the demotion would only be available to higher 9 level individuals? 10 A. Well, paramedics. You can be demoted from 11 paramedic back down to EMT. 12 Q. And when an oral reprimand is given, is there a 13 written record of that oral reprimand anywhere? 14 A. Yes. 15 Q. Who makes that record? 16 A. It's normally within the office of the EMS -- the 17 EMS superintendent. Every employee has a 18 disciplinary -- or used to anyway. Has a 19 disciplinary track sheet and on that form, you 20 would document if it was an oral, written, 21 suspension. If it was a six-month suspension, 22 one year, two year. So that became a permanent 23 part of the employee's disciplinary file. So as 24 the disciplines fell off, you would highlight 25 that the discipline was no longer applicable, but</p> <p style="text-align: right;">Page 20</p>
<p>1 President in 2000. 2 Q. And how long did you serve as Union President? 3 A. Three years until I got promoted to Lieutenant. 4 Q. Did you ever work with Mr. Cadoura? 5 A. Yes. 6 Q. How often would you say you worked with 7 Mr. Cadoura? 8 A. It was infrequently. Maybe on a detail or over 9 time. I could probably count on my hands how 10 many times I worked with him. 11 Q. What was your general impression of Mr. Cadoura? 12 A. At the time I was working with him on the truck? 13 He was a relatively nice, easygoing guy. 14 Appeared to like his job and, you know, upbeat. 15 Q. At the times that you and him worked together, do 16 you recall him mentioning any issues with 17 policies not being followed? 18 A. No. 19 Q. Did you ever bring any complaints about policies 20 not being followed? 21 A. Always. I was a Union Steward. I was filing 22 grievances and complaints and letters to the 23 Mayor's Office. So, yeah, he may have overheard 24 me discussing it, but to him directly, no. 25 Q. And it's my understanding that there are levels</p> <p style="text-align: right;">Page 19</p>	<p>1 it still remained on the form. 2 Q. While you were working at Detroit Fire, did you 3 ever hear of anyone making any derogatory 4 comments to Mr. Cadoura? 5 A. To him directly? Not that I could recall. 6 Q. Did you ever hear anybody make comments about him 7 just generally, not to him? 8 A. Yes. 9 Q. What kind of comments did you overhear? 10 A. That he was an asshole, he was a jerk, wouldn't 11 do his job. That just too -- that's just a 12 minor amount. I mean from his peers -- they 13 despised him. The ones that were complaining to 14 me. 15 Q. And who were the ones that complained to you? 16 A. I can't recall. There were -- there were 17 multiple technicians/supervisors that had 18 significant issues over a period of time with 19 Mr. Cadoura. 20 Q. Do you recall what any of those issues were? 21 A. Well, sure. I mean he had become argumentative, 22 abrasive. He had picked up a second job with 23 another ambulance company. My employees were 24 calling me telling me he was jumping and run, he 25 was cursing at them, they didn't want to work</p> <p style="text-align: right;">Page 21</p>

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<p>1 with him, his behavior on the scene, his behavior 2 at the hospital, his comments towards nurses. I 3 mean the laundry list just went on and on. 4 Q. Do you know if Mr. Cadoura ever received a 5 citizen complaint? 6 A. Yes. 7 Q. Do you recall what that was about? 8 A. No, I don't. As far as the complaints went, once 9 they came into the office, they were sent out to 10 the field for investigation and the supervisors 11 would then investigate them from there, and what 12 the outcome of these were, I can't -- I don't 13 recall offhand, no. 14 Q. So all these complaints were made to you by your 15 subordinates? 16 A. Correct. 17 Q. Did any of them ever file any formal complaints 18 against Mr. Cadoura? 19 A. No. 20 Q. Was there any investigation done into any of 21 these complaints? 22 A. No, because they would not file a formal 23 complaint. I advised them when they called, "I 24 hear your complaint. If you have an issue, 25 you've got two options. Contact your union and</p> <p style="text-align: right;">Page 22</p>	<p>1 involved improper patient care, assaults on 2 co-workers, etc.. She expunged them all. So, 3 yes, I did have some involvement, but she 4 overrode my recommendation, and I also complained 5 to HR about what she was going to do, but she 6 ultimately did what she did. 7 Q. So did you not want all of those disciplines 8 expunged after two years? 9 A. The ones after two years, yes. 10 Q. Did you review any documentation before today's 11 deposition? 12 A. Yes. Yes. 13 Q. What documentation did you review? 14 A. There was some reports that I had that date back 15 to looks like 2008 from Chief Kestalu (ph). So 16 there appears to be some disciplinary documents 17 in here. His resignation notice and paperwork 18 from HR. There's about it looks like 38 pages. 19 Q. And that's Mr. Cadoura's resignation notice? 20 A. I think that is in this document, if I'm not 21 mistaken. There's letters in here, there's 22 suspension notices, Charge Forms. There's a 23 multitude of documents in here. 24 Q. So is it your understanding that Mr. Cadoura 25 resigned from the City of Detroit --</p> <p style="text-align: right;">Page 24</p>
<p>1 have your union have a conversation with them or 2 make a formal complaint to your shift supervisor 3 and we will address the issue," but, yes, so 4 calling me and trying to leverage an 5 investigation or going directly to the chief to 6 complain, I would hear it, but, no, I was not 7 going to take an action on something that an 8 employee was not willing to follow the proper 9 process. 10 Q. And while you were working for the City of 11 Detroit, was there a settlement between the union 12 and the Fire Department? 13 A. There were probably multiple settlements between 14 the union and the Fire Department. 15 Q. Was there one roughly in 2012/2013 involving a 16 large amount of discipline that had been issued? 17 A. Yeah. Yeah. The Trial Boards that Sydney Zack 18 and Smith? Yeah. 19 Q. Did you have any involvement with that? 20 A. Yes, to a degree. 21 Q. What was your involvement? 22 A. I disagreed with it. She came to me and asked me 23 my opinion. I told her, "Of course, anything 24 over two years should automatically be expunged." 25 Some of those were very egregious actions that</p> <p style="text-align: right;">Page 23</p>	<p>1 A. Yes. 2 Q. -- EMS? 3 A. That is correct. That's my understanding. 4 Q. Do you know if he was placed on a do not rehire 5 list? 6 A. Yes. 7 Q. Do you know why? 8 A. Because he resigned with discipline pending. 9 Q. Is that a policy of Detroit EMS? 10 A. That is a policy of the City of Detroit. The 11 information I received when I got promoted to 12 Chief was there were only two reasons that I 13 could put a person down as a do not rehire, which 14 were a requirement of the City of Detroit. One 15 was if they did not provide a two-week notice and 16 the other was if they resigned in lieu of a 17 discipline. Those two individuals would have to 18 be listed as a do not rehire. 19 Q. So you said the second one was in lieu of 20 discipline? 21 A. Correct. Yes. If they were resigning with 22 discipline pending or under investigation for a 23 disciplinary action and they resigned, they were 24 to be listed as a do not rehire. 25 Q. Just for my clarification, is it only if they</p> <p style="text-align: right;">Page 25</p>

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<p>1 were resigning to avoid discipline or if they 2 just resigned and there just happened to be 3 discipline pending? Either one would get them -- 4 A. Correct. If there was a disciplinary 5 connotation. If the employee resigned under 6 investigation or if the investigation had been 7 completed and the next step was to then inform 8 them of that discipline and they resigned, then 9 they would be listed as a do not rehire. 10 Q. And the discipline -- the discipline only 11 finishes through the Trial Board, correct? 12 A. When you say finishes through the Trial Board? 13 Q. We're talking about open disciplinary action and 14 if somebody were to be waiting on Trial Board 15 action, that would still leave it as an open 16 discipline action, correct? 17 A. It would. Yes, it would leave it as an open 18 disciplinary action. Correct. 19 Q. And you said that sometimes those Trial Boards 20 could take years? 21 A. Yes. If you're asking would someone who appealed 22 a discipline be listed as a do not rehire, the 23 answer to that question is no. They've already 24 been disciplined. They're appealing that 25 discipline. The outcome of that discipline would</p> <p style="text-align: right;">Page 26</p>	<p>1 Q. So if someone was placed on the do not rehire 2 list, would they make it to that eligibility 3 list? 4 A. They shouldn't. 5 Q. And you left the City of Detroit in 2016, 6 correct? 7 A. That is correct. 8 Q. So did you ever hear anything about Mr. Cadoura 9 attempting to reapply to the City of Detroit? 10 A. Yes, I did. 11 Q. Who did you hear that from? 12 A. Robert Olkowski. 13 Q. And who is Robert Olkowski? 14 A. He is an employee of the EMS Division for the 15 City of Detroit. 16 Q. Do you know what his rank is? 17 A. I think he's the assistant chief now, if I'm not 18 mistaken. 19 Q. At the time he informed you about Mr. Cadoura 20 reapplying, was that his position? 21 A. No. 22 Q. What was his position at that time? 23 A. I'm not sure. When I left, he was a lieutenant. 24 I don't recall when -- he was in administration 25 at some -- he was somewhere in administration.</p> <p style="text-align: right;">Page 28</p>
<p>1 be leveraged by either a Trial Board or an 2 arbitrator or a settlement between the union and 3 the employer. It was only germane because those 4 individuals who quit in lieu of being disciplined 5 or were aware they were being investigated for a 6 potential discipline and then quit to usurp that 7 process. 8 Q. So if somebody was waiting on Trial Boards for 9 their disciplinary action, they would not be 10 automatically placed on a do not rehire list? 11 A. Yeah. My office -- at least when I was the 12 Chief, I could not place them as a do not rehire 13 because they were appealing a disciplinary 14 action. 15 Q. Did you ever do any hiring or were you involved 16 in the hiring process when you were at the City 17 of Detroit? 18 A. No. That was strictly HR. 19 Q. So you don't have any knowledge on that process 20 at all? 21 A. No. We just get -- when I was a Chief, you'd get 22 a list of names that HR said was eligible for the 23 next Academy and what date they were going to 24 start and we then scheduled the Academy and those 25 individuals reported.</p> <p style="text-align: right;">Page 27</p>	<p>1 He was lieutenant, captain. Somewhere in the 2 offices of administration. 3 Q. And what did he tell you in that conversation? 4 A. He just called me and said, "Did you put Cadoura 5 down as a do not rehire?" I said, "Yeah, I did." 6 He said, "Okay" and that was it. 7 Q. And the reasoning for that do not rehire was 8 pending discipline? 9 A. That is correct. 10 Q. Were you ever aware of Mr. Cadoura being involved 11 in a news story regarding response times for the 12 City of Detroit EMS? 13 A. Yes. 14 Q. How did you find out about that? 15 A. Probably on the news. 16 Q. Were there any discussions about his 17 participation in that story? 18 A. With me? No. 19 Q. Did you have any conversations with anybody else 20 about that? 21 A. There were multiple conversations. Well, let me 22 clarify. Are you talking about when I was 23 employed or not employed after I retired? 24 Q. Either. If there were conversations. 25 A. Well, when I was employed, sure, there were</p> <p style="text-align: right;">Page 29</p>

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<p>1 multiple conversations with the Law Department, 2 main controls, State of Michigan, the 3 Commissioner's Office, the City Council. Every 4 time a news story hit about response times, I got 5 a phone call and there were meetings, etc.. When 6 I retired, no, I didn't talk to anybody about 7 Detroit EMS any longer. 8 Q. So it was just whenever a general news story was 9 published about response times there was a lot of 10 administrative interest on it? 11 A. Yes. I had a lot of explaining to do and charts 12 and time reports, and etc.. So, yeah, there was 13 constant conversations with multiple agencies and 14 city officials, etc.. 15 Q. Do you know what was causing those delays in 16 response times? 17 A. Well, there was a multitude of things. 18 Everything from mismanagement of 911 calls and 19 triage, not enough vehicles, not enough 20 employees. Just the construct of an urban 21 response system that just did not have enough 22 resources to support the, you know, daily deluge 23 of 911 calls. 24 Q. So when someone resigns from the Department, is 25 there an exit interview conducted?</p> <p style="text-align: right;">Page 30</p>	<p>1 A. Human Resources. My understanding is that 2 information was revealed to the employee from 3 Human Resources and I never notified anybody that 4 they were on the do not rehire list. 5 Q. And from Human Resources, would they notify them 6 as soon as that decision had been made or -- 7 A. No. Go ahead. I'm sorry. 8 Q. Let me have you answer that part first. As soon 9 as that decision had been made, was the employee 10 or former employee notified? 11 A. No, and the reason why I say that is because it 12 was an investigation. I had to -- once I 13 submitted the form to HR and said, "Do not 14 rehire," HR would then contact me. There would 15 be I guess an interrogation as to why I 16 classified the employee as a do not rehire. Even 17 though I documented it that way, my understanding 18 is HR has the ultimate authority to approve that 19 departmental recommendation. 20 Now, if they approved it or not, I was 21 never notified. I just submitted it. I talked 22 to the people from HR and they handled it from 23 there. 24 Q. So other than you and HR, was there anybody else 25 involved in the decision to ultimately put or not</p> <p style="text-align: right;">Page 32</p>
<p>1 A. It is a voluntary exit interview. Correct. 2 Q. Who schedules that exit interview? 3 A. Well, my office would schedule it, if the 4 employee was willing to do it. We were -- as a 5 Lieutenant and Captain, when we got a 6 resignation, we would notify an employee of an 7 option to do an exit interview. When I was a 8 Chief, whenever those letters came in, I would 9 ask the lieutenants, captains, make sure they 10 know they have a right to do an exit interview, 11 and if the employee wished to do so, then my door 12 was open and we could do an exit interview. 13 Q. Do you know if Mr. Cadoura did an exit interview? 14 A. No, he did not. 15 Q. Do you know if he was offered an exit interview? 16 A. I don't know. The direction from my office was 17 always to offer them, but, no, we never did a 18 follow-up. There was no form to sign that they 19 were notified of an exit interview opportunity. 20 No. 21 Q. And at that exit interview, would you have 22 notified Mr. Cadoura that he was on the do not 23 rehire list? 24 A. No. 25 Q. How would he have gone about finding that out?</p> <p style="text-align: right;">Page 31</p>	<p>1 put somebody on the do not rehire list? 2 A. To my knowledge, no. 3 Q. In your opinion, was Mr. Cadoura a good EMT? 4 A. No. 5 Q. And why do you say that? 6 A. Well, let me classify that. Good EMT? I can't 7 say he did not provide good patient care. I 8 never got a complaint about his patient care, so 9 I can't say as far as the treatment and transport 10 of citizens that he is not a good EMT. If you 11 want to quantify that as a good employee, I would 12 say no. 13 Q. And why would you say he's not a good employee? 14 A. Well, just even based off of the reports that I 15 reviewed and the ones that aren't here, he was 16 very abrasive, profane, argumentative, insolent, 17 insubordinate. There wasn't a rule he was not 18 willing to break. It was his job to do what he 19 wanted to do with and he showed us that is what 20 he was going to do. 21 Q. Were you ever aware of Mr. Cadoura making 22 complaints on policies not being followed? 23 A. Probably so. I mean I would assume I was aware 24 of if there was a grievance filed or a letter 25 submitted, but I say that with an asterisk,</p> <p style="text-align: right;">Page 33</p>

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<p>1 because a lot of them went directly to Sydney 2 Zack. So I'm not sure what was reported to her. 3 Q. Did any of your subordinates ever mention him 4 filing any complaints about policies not being 5 followed? 6 A. To my knowledge, not that I can recall. 7 Q. And the reports that are in front of you -- who 8 is authoring those reports? 9 A. I guess it would depend on which one you 10 specifically are stating. There is like 38 pages 11 here. Can you kind of identify which one 12 specifically? 13 Q. Do you have a date on whatever one is first on 14 your page, so I can identify it? 15 A. The very first one is June 8, 2008 and it's 16 addressed to Chief James Kestalu. 17 MR. MCFARLANE: Do you have the Bates 18 Stamped exhibits? 19 MR. SHEAROUSE: Yeah, I do somewhere. 20 Yeah. 21 MR. MCFARLANE: I can tell you the 22 Bates Stamp of what he's looking at. 23 MR. SHEAROUSE: Okay. Yeah. What's the 24 Bates Stamp? 25 MR. MCFARLANE: One Twenty-Seven.</p> <p style="text-align: right;">Page 34</p>	<p>1 document to assert their agreement with it. 2 Q. And if there was a factual disparity between the 3 witness statements and the person reporting the 4 grievance, was there a process on how to resolve 5 that? 6 A. If you mean as far as any investigation or -- 7 Q. Yes. 8 A. -- post-discipline? 9 Q. Let's start with the investigation first. 10 A. If there is a factual -- more or less a factual 11 misalignment of the truth, then the supervisor 12 has the obligation to capture their review and 13 provide their recommendation. Either they 14 believe the complaint is without merit, that the 15 complainant and/or witness statements are not 16 accurate, or that the employee's account of the 17 incident is more plausible, more believable based 18 on data, be it from a CAD system or from other 19 witnesses, and then they will from that point 20 make a recommendation to the chief to either drop 21 the complaint or not proceed or that discipline 22 is warranted. 23 Q. And the next document on your list is -- is that 24 a May 1 letter to Chief James Kestalu? 25 A. That's correct.</p> <p style="text-align: right;">Page 36</p>
<p>1 BY MR. SHEAROUSE: 2 Q. I see that now. To James Kestalu. And that was 3 from Captain Joe Wilson? 4 A. That is correct. 5 Q. And this was an incident involving Lieutenant 6 John Sablowski? 7 A. That's what it appears. Correct. 8 Q. Do you recall any specifics about that situation? 9 A. No. I was a Shift Captain. That was to Chief 10 Kestalu. It appeared that Gary Kelly was still 11 the chief. So I would have had no knowledge of 12 this incident. 13 Q. And when an investigation is done to a 14 discipline, are witness statements taken? 15 A. Yes. If there were witnesses, there should be 16 witness statements included. Correct. 17 Q. And those are written down? 18 A. Correct. 19 Q. And the witness signs them? 20 A. Depending on the complainant, i.e., if we get a 21 complaint over the phone, sometimes the 22 supervisors would do that interrogation over the 23 phone and document the statements from the 24 witness or the complainant, but, no, we would not 25 go out to their home and then have them sign the</p> <p style="text-align: right;">Page 35</p>	<p>1 Q. And the subject line says, "Incident Report EMT?" 2 A. No. It says, "Incident With Technician Cadoura." 3 May 1, 2008? 4 Q. Yes. Okay. So at the bottom it has John 5 Sablowski's signature on it? 6 A. Correct. 7 Q. Were you ever aware that Mr. Cadoura had made 8 several complaints against Mr. Sablowski? 9 A. I was aware of one complaint he made against 10 Sablowski that I can recall. 11 Q. What complaint was that? 12 A. That -- and this is just me recalling it best I 13 can. Is that John was picking on him or 14 harassing him or something similar to that. 15 Q. Do you know if anything became of that complaint? 16 A. Not that I was aware of, no. 17 Q. Were you involved in that investigation at all? 18 A. No. 19 Q. At any point in time during your stint with the 20 City of Detroit, did you hear about Mr. Cadoura 21 ever filing a lawsuit? 22 A. Yes. 23 Q. How did you hear about that? 24 A. On the news. 25 Q. Did anyone at the stations make mention of it?</p> <p style="text-align: right;">Page 37</p>

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<p>1 A. Not before it hit the news.</p> <p>2 Q. After the news, was there conversations about it?</p> <p>3 A. Well, there was a buzz everywhere about it after</p> <p>4 it hit the news.</p> <p>5 Q. What was the general sentiment about it?</p> <p>6 A. It was a reversed discrimination lawsuit with him</p> <p>7 and three or four other individuals.</p> <p>8 Q. Now, was that the only lawsuit you heard about?</p> <p>9 A. That I was aware of that I can recall, yes.</p> <p>10 Q. During the process of discipline, is the employee</p> <p>11 being potentially subject to discipline -- are</p> <p>12 they considered innocent until a final</p> <p>13 determination is made?</p> <p>14 A. No. When they come to my office -- well, as the</p> <p>15 Chief. Let me state that perspective. As the</p> <p>16 Chief, if that's what you're asking me, when I</p> <p>17 schedule them for discipline, all the documents</p> <p>18 have been reviewed, all the data has been</p> <p>19 reviewed, and based on a preponderance of the</p> <p>20 evidence before me, inclusive of the written</p> <p>21 responses or investigation and interrogation of</p> <p>22 the employee, they are deemed to be guilty and</p> <p>23 their meeting with me is to determine or provide</p> <p>24 them with what their discipline is going to be.</p> <p>25 Q. So they are not presumed -- they are presumed</p> <p style="text-align: right;">Page 38</p>	<p>1 supervisor.</p> <p>2 Q. And just so I'm clear, as soon as any written</p> <p>3 reprimand, suspension, anything like that -- as</p> <p>4 soon as any sort of disciplinary action was</p> <p>5 taken, it was presumed guilty for the employee</p> <p>6 being disciplined?</p> <p>7 A. Correct. You would not be disciplined, if you</p> <p>8 were found to not be in violation. So the</p> <p>9 discipline more or less supports that the</p> <p>10 Department's investigation yielded the fact that</p> <p>11 you had violated a policy, procedure, expectation</p> <p>12 and the review of the documents that were turned</p> <p>13 in surrounding that incident gave us reason to</p> <p>14 believe that you were, in fact, guilty and this</p> <p>15 was a result of that guilt.</p> <p>16 If you were not guilty, those actions</p> <p>17 are dismissed. The employees are normally</p> <p>18 notified the investigation is over. We found</p> <p>19 that you didn't do anything wrong and that's the</p> <p>20 end of it.</p> <p>21 Q. While you were employed with the City of Detroit,</p> <p>22 do you recall anybody making any derogatory</p> <p>23 statements on the basis of somebody's race?</p> <p>24 A. Derogatory? I mean I guess I will ask you to</p> <p>25 quantify that. I mean are you talking about</p> <p style="text-align: right;">Page 40</p>
<p>1 guilty even before the whole process has been</p> <p>2 complete?</p> <p>3 A. No. When they get to the chief's office, the</p> <p>4 process is done. If you're asking me as a</p> <p>5 frontline supervisor or lieutenant or captain,</p> <p>6 that's a different perspective. So I mean I</p> <p>7 guess if you could clarify for me what</p> <p>8 perspective you're looking from, then those are</p> <p>9 two different dynamics.</p> <p>10 Q. All right. So at the point in which somebody</p> <p>11 would seek a Trial Board, are they considered not</p> <p>12 guilty or guilty?</p> <p>13 A. No, they're considered guilty. They are</p> <p>14 appealing that guilt.</p> <p>15 Q. And if someone receives a written warning or a</p> <p>16 written reprimand, are they considered guilty or</p> <p>17 not guilty?</p> <p>18 A. That is correct. They're still guilty.</p> <p>19 Q. So as soon as a written reprimand is issued, that</p> <p>20 person is considered guilty?</p> <p>21 A. Yes. They could not -- they could not receive a</p> <p>22 written reprimand unless there had been a</p> <p>23 determination made by the Office of the</p> <p>24 Superintendent of EMS that they had violated a</p> <p>25 policy based on an investigation from a</p> <p style="text-align: right;">Page 39</p>	<p>1 police? Citizens? Visitors? Are you talking</p> <p>2 about employees? Talking about administration?</p> <p>3 Q. Well, we'll just stay with employees within the</p> <p>4 City of Detroit Fire Department and its</p> <p>5 divisions.</p> <p>6 A. Yes. There's been multiple employees that have</p> <p>7 been disciplined and/or terminated for making</p> <p>8 inappropriate derogatory comments about race.</p> <p>9 Q. Do you know if any of those comments were</p> <p>10 directed towards Mr. Cadoura?</p> <p>11 A. Not that I'm aware of, no.</p> <p>12 Q. Do you know if he complained about any of these</p> <p>13 comments being made to him?</p> <p>14 A. Not that I was made aware of, no.</p> <p>15 Q. So with the placing of Mr. Cadoura on a do not</p> <p>16 rehire list, was there any recourse for him to be</p> <p>17 taken off of that list?</p> <p>18 A. I would have to defer you to HR. They are the</p> <p>19 governing agency that deals with the hiring</p> <p>20 process of it and what that impact is. I don't</p> <p>21 know if there is an appeal route. Like I say,</p> <p>22 once I talked to HR, gave them my explanation for</p> <p>23 it, I was never even notified if they agreed or</p> <p>24 disagreed with my recommendation not to rehire.</p> <p>25 It was an HR issue from that point forward.</p> <p style="text-align: right;">Page 41</p>

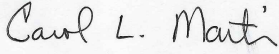
11 (Pages 38 - 41)

<p>1 Q. So you've never heard of anybody getting taken 2 off the do not rehire list? 3 A. I've heard of people being rehired that were 4 listed as do not rehire. I don't know if they 5 were taken off the list or not. As we note in 6 his incident, he wasn't and he was rehired. So I 7 don't -- I have no idea what that process would 8 be. 9 Q. Do you know the names of those people that were 10 rehired? 11 A. No, I don't because once I left, I was gone. 12 That was it. I don't know who prior to me listed 13 people as do not rehire or after me. So I 14 wouldn't be able to accurately answer that 15 question. I do -- let me change that. I do know 16 of one I put down on a do not rehire, Brian 17 Moore, that was brought back. That's the only 18 one that I can recall. 19 Q. And you listed him as a do not rehire? 20 A. Yes, I did. 21 Q. Do you remember why you listed him as a do not 22 rehire? 23 A. He killed a patient. 24 Q. Do you know when he was rehired? 25 A. No, I don't, but it was after -- it was -- it was</p> <p style="text-align: right;">Page 42</p>	<p>1 Q. And she was promoted to paramedic? 2 A. Yes. 3 Q. Do you know when that was? 4 A. No. She was promoted to paramedic before me, so 5 I would assume maybe '96ish. Ninety-five maybe. 6 Q. And then you said she was promoted after that to 7 lieutenant? 8 A. Correct. 9 Q. Do you know that date? 10 A. No, I don't. She was promoted before she -- I 11 was still a Union President when she became 12 lieutenant. She was acting first and then she 13 got officially promoted, so I don't have that 14 date. 15 Q. And then after that, she was promoted to captain? 16 A. That is correct. 17 Q. Do you know that date? 18 A. No. It was after my promotion. I got promoted 19 to Captain in 2008. So she must have been 20 promoted in '09 or '10 maybe. I'm not sure. 21 Q. Did your wife ever discipline Mr. Cadoura? 22 A. Probably so. I do believe so. Correct. 23 Q. Do you have any recollection of specific 24 disciplines that she might have issued? 25 A. Not other than what's in this packet that I</p> <p style="text-align: right;">Page 44</p>
<p>1 either after I left -- it might have been after I 2 left. They rehired a whole bunch of people that 3 had resigned and been terminated and etc. So I 4 can't recall exactly when he went back. 5 Q. Do you know what race Mr. Moore is? 6 A. I would assume Caucasian. 7 MR. SHEAROUSE: Why don't we go ahead 8 and take a ten-minute break. See if I've got 9 anymore questions and then if not, then I will 10 pass him over to you, Jason. 11 MR. MCFARLANE: All right. Sounds good. 12 (Break taken) 13 BY MR. SHEAROUSE: 14 Q. I've just got a couple more questions for you, 15 Mr. James. I appreciate your time here today. 16 During your employment with the City of Detroit, 17 was your wife also working with the City of 18 Detroit? 19 A. Yes. 20 Q. What was her position? 21 A. At what time? She was an EMT, paramedic, 22 lieutenant, and captain. 23 Q. I guess we'll start with EMT. When did she start 24 as an EMT? 25 A. In September of '91.</p> <p style="text-align: right;">Page 43</p>	<p>1 reviewed. 2 Q. All right. Is there something from your wife's 3 in that packet? 4 A. Yes. 5 Q. What is that situation? 6 A. Hold on. Let me pull it up. No, that's not 7 hers. I thought there was one in here from her. 8 Maybe it's not. Wait, is this -- yep. The very 9 last one I have in my pocket is from her. 10 Q. Is there a little number on the bottom right-hand 11 corner of that piece of paper? 12 A. Yeah. It looks like 249. It's dated 2-13-2013. 13 It's a Charge Form to the Commissioner's Office. 14 Q. And did she ever discuss this situation with you? 15 A. Discuss? Probably not. Just submitted the 16 packet and the document. It looks as if it was 17 just a late call off. 18 Q. And what is a late call off? 19 A. Somebody calling off after the start of shift. 20 Q. And what's the typical discipline for that? 21 A. It's typically a -- you know, let me go back. It 22 really does depend on what discipline they have. 23 If this occurred in the past. So if it's a 24 progressive issue germane to the attendance 25 control policy or if it's connected with other</p> <p style="text-align: right;">Page 45</p>

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<p>1 disciplines. So I don't know necessarily if I 2 can say it's a typical scenario. It really does 3 depend on the case. 4 Q. And we talked about earlier -- I know I'm kind of 5 bouncing around a little bit. We talked about 6 earlier the news stories were kind of a regular 7 occurrence about response times; is that correct? 8 A. That's correct. 9 Q. Help me to understand, are response times kept 10 per station or are they kept for just the 11 Department as a whole? 12 A. They're kept for the Department, the station, the 13 shift, and the unit. 14 Q. So if a particular -- like a particular shift is 15 having continuously low response times, that 16 reflects on both the station and those 17 individuals working that shift? 18 A. Well, when you say shift -- because there is four 19 shifts. So we'll look at nights too. Was it 20 busier Friday night, Saturday night? Typically 21 their response times are going to lag, but when 22 you compare them to east side unit versus west 23 side versus central. Then you have to get into 24 the individual dynamics of the actual responding 25 unit. Travel distance, weather. There is a lot</p> <p style="text-align: right;">Page 46</p>	<p>1 the supervisors then granted or awarded that 2 delay, then they were -- it was good. 3 Q. After Mr. Cadoura left in -- or resigned, were 4 you ever aware of him going to any other fire 5 department? 6 A. When I was still there? No. 7 Q. No? 8 A. Was I aware of it? Yes. 9 Q. Where are you aware that he's worked? 10 A. Flat Rock, Riverview, Melvindale, the proving 11 grounds for some plant that he worked at for a 12 minute, but, yeah, I'm aware that he's worked in 13 multiple different departments. 14 Q. Were you aware of him working in Woodhaven? 15 A. Yes. 16 Q. How did you find out about all these other 17 employments? 18 A. I represent three -- not represent, but three of 19 those departments are part of the organization 20 that I am the Assistant Executive Director of and 21 I became aware of it because he's been terminated 22 from those three and as terminations get grieved, 23 there is a process within our office to appeal 24 those grievances and how those issues are 25 navigated.</p> <p style="text-align: right;">Page 48</p>
<p>1 that goes into it when you're doing a response 2 time kind of matrix or review. 3 Q. Is there any pressure on the station chiefs to -- 4 or shift captains to get response times down? 5 A. Not to get response times down, but to get 6 in-service times down. Response times are 7 distance specific, but, yes, there was some 8 pressure to ensure that units were available to 9 respond to calls as appropriate. 10 Q. And you said in-service times. Can you explain 11 what that is? 12 A. Well, typically, when you're on the scene of a 13 non-transport, there's a time parameter that you 14 look at for you to have the unit back in service. 15 If you're at the hospital, if it's a priority 16 one, priority two, priority three. So each one 17 of those caveats kind of lay out the groundwork 18 for what -- there was a benchmark of what the 19 expectation was to have a unit placed back in 20 service. 21 If they were not in service, then there 22 was a reason -- an expectation that you would 23 request a delay. "I'm delayed for cleaning. I'm 24 delay for equipment. Gas." Whatever the issue 25 is. As long as the unit requested a delay, if</p> <p style="text-align: right;">Page 47</p>	<p>1 MR. SHEAROUSE: I don't have anything 2 further. 3 MR. MCFARLANE: I have a couple of quick 4 questions. 5 EXAMINATION 6 BY MR. MCFARLANE: 7 Q. You mentioned that you had recommended Brian 8 Moore for a do not rehire; is that correct? 9 A. That is correct. 10 Q. And do you know if HR approved that do not 11 rehire? 12 A. I'm not sure. As I indicated, once I submitted 13 it, I will get a phone call. Somebody from HR 14 would request, you know, validation or 15 clarification. I explain to them what the reason 16 was for it and they would handle it. So I don't 17 necessarily know if there was approval or 18 disapproval. I never got any further contact 19 from HR on any of the do not rehires that I 20 recommended. 21 Q. And are you aware of any of the circumstances of 22 Brian Moore returning to the city? 23 A. Well, the only thing I'm aware of is there was a 24 push to hire and they were reaching out to all 25 Fire Detroit EMS employees and that he was a part</p> <p style="text-align: right;">Page 49</p>

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<p>1 of that push.</p> <p>2 Q. Do you know if that is being handled by HR for</p> <p>3 the Fire Department?</p> <p>4 A. I think that in concert, the Fire Department may</p> <p>5 have pushed for it. I would assume HR would have</p> <p>6 had some involvement, however, that's just an</p> <p>7 assumption because my understanding also is that</p> <p>8 the Department has the ability to overturn in</p> <p>9 certain circumstances those recommendations and</p> <p>10 it becomes an internal administrative battle from</p> <p>11 there is my understanding.</p> <p>12 MR. MCFARLANE: I have no further</p> <p>13 questions.</p> <p>14 MR. SHEAROUSE: I might have one</p> <p>15 follow-up.</p> <p>16 EXAMINATION</p> <p>17 BY MR. SHEAROUSE:</p> <p>18 Q. You said that they reached out to all prior</p> <p>19 Detroit employees for a potential rehire. Do you</p> <p>20 know if they reached out to Mr. Cadoura?</p> <p>21 A. I don't know who they reached out to. It was a</p> <p>22 rumor to me that this is what they were doing. I</p> <p>23 was not a part of that process. I just heard</p> <p>24 about it.</p> <p>25 Q. Okay. And last question. Do you know how long</p> <p style="text-align: right;">Page 50</p>	<p>1 STATE OF MICHIGAN)</p> <p>2)</p> <p>3 COUNTY OF OAKLAND)</p> <p>4 Certificate of Notary Public</p> <p>5 I do hereby certify the witness, whose</p> <p>6 attached testimony was taken in the above matter, was</p> <p>7 first duly sworn to tell the truth; the testimony</p> <p>8 contained herein was reduced to writing in the</p> <p>9 presence of the witness by means of Stenography;</p> <p>10 afterwards transcribed; and is a true and</p> <p>11 complete transcript of the testimony given. I</p> <p>12 further state that I am not connected by blood or</p> <p>13 marriage with any of the parties, their attorneys</p> <p>14 or agents, and that I am not interested,</p> <p>15 directly, indirectly or financially in the matter</p> <p>16 of controversy.</p> <p>17 In witness hereof, I have hereunto set my hand</p> <p>18 this day in Novi, Michigan, County of Oakland,</p> <p>19 State of Michigan. January 13, 2023</p> <p>20 </p> <p>21 Carol L. Martin, CSR-3532</p> <p>22 Certified Shorthand Reporter</p> <p>23 Notary Public, Oakland County, Michigan</p> <p>24 My Commission Expires: 10/25/2025</p> <p style="text-align: right;">Page 52</p>
<p>1 Mr. Moore worked with the city before he sought</p> <p>2 rehire?</p> <p>3 A. How long he worked before? No, I can't recall</p> <p>4 how long he was there before he was terminated or</p> <p>5 before he was recommended to termination.</p> <p>6 Q. Okay. Was he actually terminated?</p> <p>7 A. No, he quit.</p> <p>8 MR. SHEAROUSE: I have no further</p> <p>9 questions.</p> <p>10 MR. MCFARLANE: No further questions.</p> <p>11 MR. SHEAROUSE: Thank you for your time,</p> <p>12 Mr. James.</p> <p>13 THE WITNESS: You're welcome.</p> <p>14 (Deposition concluded at 2:21 p.m.)</p> <p>15 * * *</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 51</p>	

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EXHIBIT F

Case 2:20-cv-12986-GAD-APP ECF No. 37-7, PageID.493 Filed 02/18/23 Page 2 of 3
Candidate Rating Sheet – Emergency Medical Technician (Basic/Paramedic)

Candidate Name: RICHARD CARDURA Date: 12-7-17
 Have you ever worked for the City of Detroit? Yes or No - If so, what year(s): 1998 - 2013
 Have you ever been discharged from employment? Yes or No Are you a veteran? Yes or No
 How is your driving record? GOOD
 Are you able to perform the essential functions of the position with or without accommodation? Yes or No

Competency – FAILED QUESTIONS MUST CONTAIN A REASON FOR FAILURE	Pass/Fail
1. Personal Qualifications (Professionalism and Dependability) Notes/Reason for Failure: <u>GOOD – NO ATTENDANCE ISSUES</u>	<u>P</u> / F
2. Personal Qualifications (Professionalism and Dependability) Notes/Reason for Failure: <u>PARTNERS ON DEPARTMENT OVER HIS CAREER.</u>	<u>P</u> / F
3. Technical (Willingness to Work in Hazardous Conditions) Notes/Reason for Failure: <u>HAVING THE ABILITY TO INTERACT WITH PEOPLE THAT ARE UNDER DURESS IN SITUATIONS</u>	<u>P</u> / F
4. Interacting with Others (Supporting Diversity/Teamwork) Notes/Reason for Failure: <u>NO PROBLEM WORKING WITH PEOPLE WITH ETHNIC / OR DIVERSE POPULATION OR PARTNER.</u>	<u>P</u> / F
5. Ease of Supervision (Taking Direction/Orders) Notes/Reason for Failure: <u>INDISPUTABLE, NO PROBLEM WITH FOLLOWING ORDERS FROM SUPERVISION.</u>	<u>P</u> / F
6. Communication & Customer Service (Serving and Helping Others) Notes/Reason for Failure: <u>DElicate BALANCE BETWEEN PROVIDING CARE AND RESPECTING RELIGIOUS BELIEFS OF INDIVIDUALS</u>	<u>P</u> / F
7. Integrity Notes/Reason for Failure: <u>TELL THE PARTNER TO PUT IT BACK OR YOU WILL BE FORCED TO TURN THE MATTER OVER TO THE DEPARTMENT.</u>	<u>P</u> / F

HR Signature B. Brown EMS Signature Daniel Walinsky Capt

Candidate Rating Sheet – Emergency Medical Technician (Basic/Paramedic)

Candidate Name: Richard Cadoura Date: 12-7-17

Have you ever worked for the City of Detroit? ☒ Yes or ☐ No - If so, what year(s): '98-'13 EMS Division

Have you ever been discharged from employment? Yes or ☒ No Are you a veteran? Yes or ☒ No

How is your driving record? good

Are you able to perform the essential functions of the position with or without accommodation? ☒ Yes or ☐ No

Competency – FAILED QUESTIONS MUST CONTAIN A REASON FOR FAILURE	Pass/Fail
1. Personal Qualifications (Professionalism and Dependability)	<input checked="" type="radio"/> P / <input type="radio"/> F
Notes/Reason for Failure: <u>attendance good</u> <u>probation good</u>	<u>Pass</u>
2. Personal Qualifications (Professionalism and Dependability)	<input checked="" type="radio"/> P / <input type="radio"/> F
Notes/Reason for Failure: <u>great partners over the years</u> <u>biggest impression on the job.</u>	<u>Pass</u>
3. Technical (Willingness to Work in Hazardous Conditions)	<input checked="" type="radio"/> P / <input type="radio"/> F
Notes/Reason for Failure: <u>over 15 years, it wasn't an issue/problem</u> <u>*Understand they are under stress and we will give them care.</u>	<u>Pass</u>
4. Interacting with Others (Supporting Diversity/Teamwork)	<input checked="" type="radio"/> P / <input type="radio"/> F
Notes/Reason for Failure: <u>*no problems over the yrs.</u> <u>*benefit for the public</u> <u>*learned ppl personality</u> <u>*Suburban vs city</u>	<u>Pass</u>
5. Ease of Supervision (Taking Direction/Orders)	<input checked="" type="radio"/> P / <input type="radio"/> F
Notes/Reason for Failure: <u>*no problem with chain of command.</u> <u>*no conflict</u>	<u>Pass</u>
6. Communication & Customer Service (Serving and Helping Others)	<input checked="" type="radio"/> P / <input type="radio"/> F
Notes/Reason for Failure: <u>*family dealing with the death of a love one - put family at ease and another family was rushed to the hospital because of an incident.</u>	<u>Pass</u>
7. Integrity	<input checked="" type="radio"/> P / <input type="radio"/> F
Notes/Reason for Failure: <u>*tell the person</u> <u>*zero tolerance, turn the person in and tell her to put it back.</u>	<u>Pass</u>

HR Signature

B. Brown

EMS Signature

Nasir Walensky

EXHIBIT G

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD CADOURA,

Plaintiff,

Case No: 20-cv-12986

Hon. Gershwin A. Drain

Magistrate Anthony P. Patti

-vs-

THE CITY OF DETROIT,

Defendant.

_____ /

DEPOSITION (via Zoom) of BELINDA BROWN

Taken by the Plaintiff on the 4th day of
August, 2022 via Zoom Deposition commencing at
11:04 a.m.

Page 1

1 APPEARANCES:	1 Zoom Deposition
2	2 Thursday, August 4, 2022
3 For the Plaintiff: REJANAE BROOKS (P85701)	3 11:04 a.m.
4 Carla D. Aikens, P.L.C.	4
5 615 Griswold	5 BELINDA BROWN
6 Suite 709	6
7 Detroit, Michigan 48226	7 was thereupon called as a witness herein, and after
8 844-835-2993	8 having first been duly sworn to tell the truth, the
9	9 whole truth and nothing but the truth, was examined
10 For the Defendant: JASON T. McFARLANE (P73105)	10 and testified as follows:
11 ANDRAE SMITH (P69153)	11
12 City of Detroit - Law Department	12 EXAMINATION
13 2 Woodward Avenue	13
14 Suite 500	14 BY MS. BROOKS:
15 Detroit, Michigan 48226	15
16 313-237-3088	16 Q Ms. Brown, my name is Rejanae Brooks. I'm
17	17 appearing today on behalf of the plaintiff.
18 Reported By: Amy Bertin, CER-3871	18
19 Certified Electronic Reporter	19 If I ask you something you don't understand
20 586-468-2411	20 what I said or, you know, also I'm in Michigan as
21	21 well and my internet is just not good so if you
22	22 can't hear me, please let me know, I'll repeat the
23	23 question. Okay?
24	24 A No problem. Yes.
25	25 Q Could you please state your name for the record,
Page 2	Page 4
1 TABLE OF CONTENTS	1 please?
2	2 A Belinda Brown.
3 WITNESS PAGE	3 Q And are you currently employed?
4	4 A Yes.
5 BELINDA BROWN	5 Q Where are you currently employed?
6	6 A The City of Detroit.
7 Examination by Ms. Brooks 4	7 Q What is your role?
8	8 A I am a recruiter.
9	9 Q How long have you been a recruiter?
10	10 A Since October 10, 2016.
11	11 Q And what do you do in that position?
12	12 A I have a number of departments that I recruit for.
13 EXHIBITS: Exhibits Attached to Transcript) IDENTIFIED	13 So if the department states that they are looking
14	14 to fill any of their vacancies, I will post them on
15 Exhibit 1 Offer Letter 27	15 our City's website.
16 Exhibit 2 February 24th, '17 email 30	16 Q You said on the City website?
17 Exhibit 3 Regret Letter 32	17 A Yes. On the City of Detroit website.
18 Exhibit 4 Text Message 1 34	18 Q Do you do anything other than post the vacancies on
19 Exhibit 5 Text Message 2 36	19 the website?
20 Exhibit 6 Personnel file. 40	20 A I go out and look for talent based on what the
21	21 department is seeking, what position they're
22	22 looking for to fill.
23	23 Q Where would you go out to look for talent?
24	24 A At the community college. Depending on what title
25	25 it is, I'll go to the schools, the high schools,
Page 3	Page 5

2 (Pages 2 - 5)

<p>1 community out reach that's out there. I'll go on 2 Indeed, LinkedIn, any type of organizations. 3 Q So you said you started at the City of Detroit in 4 October of 2016? 5 A Correct. 6 Q Did you have any job before then? 7 A Yes. 8 Q Where were you employed? 9 A I was employed at Whelan Security as an HR manager. 10 Q And how long were you there? 11 A For one year. 12 Q What is Whelan Security? 13 A It's a contract security company. 14 Q And you said you were HR there; correct? 15 A HR manager. 16 Q So what was some of your duties as HR manager? 17 A As a human resources generalist, I did everything 18 from the hiring to the recruitment piece, to the 19 onboarding, benefits, employee relations, the whole 20 realm of HR. 21 Q What's your highest level of education? 22 A A bachelor's degree. 23 Q In what? 24 A Business administration, major human resources. 25 Q When did you obtain that?</p> <p style="text-align: right;">Page 6</p>	<p>1 generalist, is that interchangeable, like the 2 recruiter and HR generalist? 3 A With the City of Detroit I am a recruiter. But 4 when I worked at Whelan, I was HR manager it's like 5 the realm of it is like a generalist. So I did the 6 A through Z of human resources compared to with the 7 City of Detroit I'm just a recruiter. 8 Q So what I'm hearing and you can correct me if I'm 9 wrong is for the City of Detroit you just strictly 10 do recruiting. So that's going out and trying to 11 fill vacancies? 12 A Correct. Yes. 13 Q So do you have any say in the hiring and firing of 14 employees for the City of Detroit? 15 A The hiring along with the department is what I do. 16 Q Could you explain -- yeah. Let me just, what 17 exactly are you involved in in the hiring? 18 A I meet with the department, they let me know what 19 their vacancy is and I will post that vacancy 20 title. Whatever that position is, I will post it. 21 Once the position comes down, the posting comes 22 down, it closes, then me and the department will 23 set up an interview or if a test is required 24 they'll take a test. Those pass the test will, me 25 and the department will set up interviews. Once</p> <p style="text-align: right;">Page 8</p>
<p>1 A 2006. 2 Q And where did you get that degree? 3 A Sienna Heights University. 4 Q I'm sorry. Sienna or did you say Sienna? 5 A Sienna Heights University in Adrian, Michigan. 6 Q Perfect. 7 8 In your current position as a recruiter for 9 the City of Detroit, do you have to take any 10 trainings or get any certificates? 11 A Repeat the question, please. 12 Q In your current position for the City of Detroit as 13 the recruiter, do you have to get any, do you do 14 any trainings or receive any certificates? 15 A I have received training and certificates. 16 Q What kind of trainings? 17 A Any type of human resources training. But since 18 I've been employed with the City of Detroit I 19 received a certificate of, certification in human 20 resources generalist with our talent development 21 division. 22 Q So no yearly, like you don't have to do anything 23 yearly to keep your position? 24 A No. 25 Q As the recruiter, I know you keep saying HR</p> <p style="text-align: right;">Page 7</p>	<p>1 the person meets all the qualifications for the 2 interview they are placed on the eligibility list 3 and then we hire. 4 Q And is that decision to hire up to you or someone 5 else? 6 A Based on the scoring of the eligibility list, it's 7 based on who's next in line to be hired. 8 Q And so did you have -- what did you do to prepare 9 for today's deposition? 10 A I met with my attorney. 11 Q Did you review any documents? 12 A Yes. 13 Q Did you help produce any documents for this matter? 14 A I want to say, yes. Yes. 15 Q Is that typical that you would help produce the 16 documents? 17 A This is my first time in doing a deposition or 18 being -- 19 Q This is your first time doing, taking a deposition? 20 A With the City of Detroit in this matter with the 21 gentleman that we're speaking of. 22 Q So this is also your first time helping produce 23 documents in this particular matter? 24 A Correct. 25 Q I want to talk a little bit about some of the</p> <p style="text-align: right;">Page 9</p>

3 (Pages 6 - 9)

<p>1 things at the City of Detroit, in particular the 2 procedures. 3 4 So are you aware of like any retention 5 policies for personnel files? 6 A No. 7 Q So is it common to put out a vacancy for -- well, 8 scratch that. 9 10 Is it typical that the City of Detroit would 11 try to go and rehire individuals? 12 A It's typical for the City of Detroit to rehire if 13 the individual apply online and they meet all the 14 qualifications, we move forward with the hiring. 15 Q Has there ever been an instance where the City of 16 Detroit was seeking to rehire with, that was the 17 targeted individual, people who had previously 18 worked for the City of Detroit? 19 A No. 20 Q Could you explain the process of what it looks like 21 when someone is applying for rehire. What does 22 that look like? 23 A So someone that is applying for a position -- this 24 is the question you're asking. Someone that is 25 applying for the position and they just happen to</p> <p style="text-align: right;">Page 10</p>	<p>1 and eight people pass that interview, the eight 2 that passed are now placed on the eligibility list. 3 And everything at this point -- 4 Q I'm sorry. I didn't mean to cut you off. And you 5 said, and everything is what? 6 A Ranked. 7 Q Ranked based on what? 8 A Their scores. 9 Q So is it safe to say that whoever got the highest 10 score is like the first in line? 11 A Yes. 12 Q So is there anything special that takes place when 13 an application has -- I'm sorry, when somebody who 14 has already worked for the City of Detroit applies? 15 It's all, is it just like standard, straight across 16 the board? 17 A Yes. But there are a number of tiers. There are 18 some positions that requires a computerized based 19 test and there are some positions that doesn't. So 20 if it requires a computerized test or a physical 21 agility test, the computerized test, we go this 22 way, the process is this way. If it's a physical 23 agility test, the process is this way. Or if it's 24 just a straight interview, the process is this way. 25 Q So would you look at a personnel file of someone</p> <p style="text-align: right;">Page 12</p>
<p>1 be a rehire or are you speaking we're targeting 2 someone and we want that person to come be rehired 3 back? 4 Q Have you ever targeted someone to come back? 5 A No. 6 Q So my question is just a little bit more general. 7 Someone submits an application, they are, I guess, 8 applying for -- I don't even know how to phrase 9 this. They used to be employed by the City of 10 Detroit, they are now reapplying, what happens on 11 your end? 12 A They would apply online, the application, fill out 13 the application. If the position requires a test, 14 they will take the test. If they pass the test, 15 the next step would be the interview. And if they 16 pass the interview then they will be placed on an 17 eligibility list. And then based on their ranking, 18 if they are next in line then they will be hired. 19 If not, they stay on the eligibility list for 20 ninety days. 21 Q What do you mean by next in line? 22 A Is a ranking. 23 Q A ranking amongst all of the people who apply? 24 A All of the people that passed. So those that pass 25 the interview, let's say we interview ten people</p> <p style="text-align: right;">Page 11</p>	<p>1 who previously worked for the City of Detroit in 2 consideration of the application? 3 A Please repeat the question. 4 Q Would you look at the personnel file of a person 5 who had previously worked for the City of Detroit 6 in consideration for the application? 7 A If they are marked as non rehireable we wouldn't be 8 able to move forward with hiring that individual. 9 Q How would you know they were marked non rehireable? 10 A Based on our -- based on the personnel file and 11 based on our payroll system. 12 Q So when would you look at the personnel file? 13 A Once they have completed the whole process. 14 Q So they have passed the -- well, if there is 15 required for a test, they have already passed all 16 the tests and the physical test, now you're looking 17 at the personnel file? 18 A Correct. 19 Q And could you explain to me some circumstances on 20 when someone would be non rehireable? 21 A If a department sees that an individual used to 22 work for the City, then I will be notified. And 23 then at that point a research will be done where 24 I'll pull the personnel file to see what the status 25 is.</p> <p style="text-align: right;">Page 13</p>

4 (Pages 10 - 13)

<p>1 Q I'm not sure you understood my question. 2 3 I'm asking for some examples of what makes 4 someone non rehirable. 5 A Because that's on our employee services side, 6 because now the individual is now working and being 7 employed with the City, employee services is 8 another division, they would know all of that. I 9 would not know that. All I would see is what is in 10 the system or what was marked. So I wouldn't be 11 able to answer that. 12 Q That's fair. 13 14 Do you know someone currently in the employee 15 services division? 16 A They have probably fifteen employees. They have a 17 number. 18 Q Is there like a head person in that department? 19 A It is. 20 Q Who is that? 21 A Raquiba Dismuke. 22 Q Could you spell that? 23 A Yes. R-A-Q-U-I-B-A. And her last name is D-I-S-M- 24 U-K-E. 25 Q I'm sorry, you cut out. Could you spell the last Page 14</p>	<p>1 A During our physical agility test with EMS division. 2 Q And that was your first time speaking to him during 3 the physical agility test? 4 A Correct. 5 Q So when he submitted an application, were you 6 notified of the application? 7 A Yes. 8 Q After receiving his application, what happened? 9 A So a posting is posted, individuals apply online. 10 Him and along with other applicants, I send them a 11 notification to attend the next physical agility 12 test with the EMS division on this particular day, 13 at this particular time. Those that show up, we 14 start the physical agility test. They get 15 introduced to what's going to happen next, they go 16 out to the bay to see what the physical agility 17 test entails and then they take the test. 18 Q So the notification to attend the physical agility 19 test, is that considered an offer of employment, 20 was that a conditional offer or is that just, what 21 is that? 22 A So for the EMS division, they were seeking to hire 23 EMTs, emergency medical technician and paramedics. 24 So in order for them to, in order for the division 25 to hire, to get ready to start the process we have Page 16</p>
<p>1 name one more time, please? 2 A D-I-S-M-U-K-E. 3 Q Perfect. Thank you. 4 5 And so she would be the person to talk to if I 6 wanted to know about what makes someone non 7 hireable? 8 A Correct. 9 Q I know that you already said that you are not 10 familiar with the retention policy of documents for 11 the City of Detroit; correct? 12 A Correct. 13 Q As far as personnel files go? 14 A Correct. 15 Q Do you know who would know about that? 16 A Our chief of policy and planning. 17 Q Chief of policy and planning. 18 A Her name is Kimberly Hall Wagner. 19 Q And you said chief of policy and planning? 20 A Correct. 21 Q Well, I don't like to waste a lot of time so I want 22 to get straight to it. 23 24 Can you recall the first time speaking to Mr. 25 Richard Cadoura? Page 15</p>	<p>1 to make sure that they are able to do the physical 2 piece of being an EMT or a paramedic. 3 4 So that is just them come in to do the 5 physical portion of it. So, in other words, in the 6 beginning when I mentioned we have individuals come 7 in and take the computerized based test and that's 8 the process that way or they come in and do an 9 interview and that's a process this way. With EMS 10 their process begins with the physical agility 11 test. 12 Q So once an individual passes the physical agility 13 test then what's next after that? 14 A An oral interview. 15 Q And who is the oral interview with? 16 A It's a human resources recruiter along with a 17 member of the EMS division, one of their captains 18 or one of their lieutenants. 19 Q And this is when we get in the ranking system? 20 After this, if they pass that interview then 21 they're ranked? 22 A On the eligibility list, yes. 23 Q So did Mr. Cadoura pass the physical agility test? 24 A Yes. 25 Q And was he invited to an oral interview? Page 17</p>

5 (Pages 14 - 17)

<p>1 A Yes.</p> <p>2 Q Do you recall who his oral interview was with?</p> <p>3 A Yes. Me and Captain Walinsky.</p> <p>4 Q Walinsky. Can you spell that?</p> <p>5 A W-A-L-I-N-S-K-Y.</p> <p>6 Q And did he pass this oral interview?</p> <p>7 A Yes.</p> <p>8 Q And so he was placed on the eligibility list?</p> <p>9 A Yes.</p> <p>10 Q And ranked?</p> <p>11 A Yes.</p> <p>12 Q So was he ever offered employment after he was</p> <p>13 ranked?</p> <p>14 A Yes.</p> <p>15 Q So once he was offered employment, then what</p> <p>16 happened?</p> <p>17 A I send, along with him and some other individuals</p> <p>18 that passed, I send the department, the division,</p> <p>19 the EMS division a list of names on who will be</p> <p>20 moving forward in the hiring process so they can do</p> <p>21 their steps. I don't know what their steps is but</p> <p>22 just giving them the names of, these are the next</p> <p>23 group of EMTs or paramedics that will be hired and</p> <p>24 I just give it to the division.</p> <p>25 Q Do you recall the other applicants who were moving</p> <p style="text-align: right;">Page 18</p>	<p>1 Q So taking you back to when you sent the list of Mr.</p> <p>2 Cadoura and the other applicants to the EMS</p> <p>3 department, do you recall anyone saying anything to</p> <p>4 you about the list?</p> <p>5 A Yes.</p> <p>6 Q What do you recall?</p> <p>7 A One of the -- the chief mentioned that he was non</p> <p>8 rehireable.</p> <p>9 Q Is this Mr. Walinsky?</p> <p>10 A No. He is the captain.</p> <p>11 Q Who was the chief at the time?</p> <p>12 A Sean Larkins. S-E-A-N, Larkins, L-A-R-K-I-N-S.</p> <p>13 Q And he was chief of EMS?</p> <p>14 A He is chief of EMS.</p> <p>15 Q Oh. He is. And Mr. Walinsky is the captain of</p> <p>16 the --</p> <p>17 A Within EMS.</p> <p>18 Q And I might have cut you off to figure out who this</p> <p>19 person was. What did Mr. Larkins say to you after</p> <p>20 you sent the list?</p> <p>21 A He stated that he was non rehireable.</p> <p>22 Q Did he tell you why?</p> <p>23 A No.</p> <p>24 Q Did you ask why?</p> <p>25 A No.</p> <p style="text-align: right;">Page 20</p>
<p>1 forward with Mr. Cadoura?</p> <p>2 A No, I cannot.</p> <p>3 Q And you said that you give the list of the people</p> <p>4 who are moving forward to the EMS department?</p> <p>5 A Correct.</p> <p>6 Q Who was in charge of that, who received that list?</p> <p>7 A I cannot recall who the individuals are but it</p> <p>8 would be -- I cannot recall.</p> <p>9 Q Is it always the same position like the chief of</p> <p>10 EMS or who typically receives that list?</p> <p>11 A I cannot recall.</p> <p>12 Q Let me ask you this. Is it a similar setup today</p> <p>13 as, you know, people go through, they do the oral</p> <p>14 interview, they are placed on an eligibility list</p> <p>15 and ranked? Do you still send the list of names to</p> <p>16 the department that they're being hired into?</p> <p>17 A No. Because we have changed the process now as a</p> <p>18 whole, within the whole entire fire department.</p> <p>19 Q So what happens now?</p> <p>20 A We are hiring fire fighters and they are doing dual</p> <p>21 roles. So they come in as a fire fighter and</p> <p>22 they'll do a twenty week academy. And at the end</p> <p>23 of the academy they are now EMTs. So when they get</p> <p>24 out and do their roles after completing the academy</p> <p>25 they are now fire fighter/EMTs.</p> <p style="text-align: right;">Page 19</p>	<p>1 Q So once you learned that he was non rehireable then</p> <p>2 what happened?</p> <p>3 A I pulled his personnel file.</p> <p>4 Q For what purpose?</p> <p>5 A To see why he is non rehireable.</p> <p>6 Q Did you figure it out?</p> <p>7 A It is listed in the personnel file.</p> <p>8 Q Do you recall what it said?</p> <p>9 A No. Not as of today.</p> <p>10 Q Did you discuss the fact that Mr. Cadoura was non</p> <p>11 rehireable with anyone after you learned that?</p> <p>12 A I brought it back up to Chief Larkins by letting</p> <p>13 him know I see.</p> <p>14 Q And was that the end of the discussion?</p> <p>15 A No. I had to put a letter together to let Mr.</p> <p>16 Cadoura know that he was not able to move forward</p> <p>17 in the hiring process.</p> <p>18 Q And did you tell him why?</p> <p>19 A No.</p> <p>20 Q Did he ask you?</p> <p>21 A I never had a verbal conversation with him. It was</p> <p>22 communicated via email.</p> <p>23 Q You never had a verbal conversation with him</p> <p>24 throughout the process or after you learned he was</p> <p>25 non rehireable?</p> <p style="text-align: right;">Page 21</p>

6 (Pages 18 - 21)

<p>1 A Throughout the whole entire process. 2 Q What do you consider a verbal communication? 3 A Me actually talking to an individual. 4 Q In person or on the phone? 5 A In person or on the phone. 6 Q How did you communicate with Mr. Cadoura? 7 A Via email. 8 Q Solely email? 9 A Solely email. 10 Q So did Mr. Cadoura respond to your email after you 11 informed him that he was no longer considered? 12 A I don't recall. 13 Q Are you aware of any of Mr. Cadoura's past -- 14 scratch that. 15 16 After you learned that he was -- actually, 17 scratch that. 18 19 When he applied, could you see that he was a 20 rehire? 21 A No. 22 Q So you had no knowledge of that until Mr. Larkins 23 informed you? 24 A Correct. 25 Q And in the personnel file was, was there anything</p> <p style="text-align: right;">Page 22</p>	<p>1 knew before I bring anything up. But mainly the 2 question was, were there writeups in there as well. 3 I just wanted to know your knowledge because you 4 said you were hired in 2016; right? 5 A That's correct. 6 Q He was there, his previously employment was before 7 you started. I wanted to know what you knew about 8 his previous employment. 9 A Even though I was hired in October 2016, I didn't 10 go over to the fire department until July 2017. 11 Q So do you know anything about any other lawsuits 12 that Mr. Cadoura is involved in? 13 A No. 14 Q To this day you do not? 15 A I received an email maybe the beginning of this 16 year in regards to this whole process that we're 17 going through right now. And that's when I 18 received knowledge. 19 Q So what were you told about those? 20 21 MR. MCFARLANE: I'm going to object as 22 privileged. 23 24 MS. BROOKS: I'm almost certain that -- so 25 that's just for the record. I'm pretty sure she</p> <p style="text-align: right;">Page 24</p>
<p>1 speaking to his previous employment? 2 A So in his personnel file, during the time that he 3 worked for the City to the last day of work and the 4 reason why he was non rehireable is listed. 5 Q Did you see anything regarding disciplinary issues 6 in his personnel file? 7 A It is on that one sheet that states the reason that 8 he is non rehireable. 9 Q So the reason is the only thing that spoke to 10 discipline? I guess my question is like, did you 11 see write-ups or anything like that in the file? 12 A No. 13 Q I should have done this earlier. Are you alone in 14 the room? 15 A I am. 16 Q And is there anything in front of you? 17 A The TV. 18 Q So you said that the only thing that spoke to 19 discipline was the reason why he was non 20 rehireable? 21 A So just asking, do you have the sheet that states 22 his last day? Because all that is on there, the 23 date, the last day that he worked and the reason 24 why he is not recommended to return back to work. 25 Q I do. I do have it. I just wanted to see what you</p> <p style="text-align: right;">Page 23</p>	<p>1 can still answer if she knows; right? 2 3 MR. MCFARLANE: No. She's not answering that. 4 It's a communication with an attorney, she's 5 absolutely not answering. 6 7 MS. BROOKS: So let me rephrase it. 8 9 BY MS. BROOKS: 10 11 Q What did you learn about the other lawsuits? 12 A I have no knowledge of any lawsuits. 13 Q I'm talking about when you said that you were 14 informed about them at the beginning of the year. 15 16 MR. MCFARLANE: That mischaracterizes her 17 testimony. 18 19 MS. BROOKS: Ms. Bertin, is that how you 20 pronounce it? Could you please reread, I want to 21 say when I asked what she knew about it? 22 23 (Whereupon the question and answer were played 24 back by the court reporter.) 25</p> <p style="text-align: right;">Page 25</p>

7 (Pages 22 - 25)

<p>1 BY MS. BROOKS: 2 3 Q So my question is, what did you learn about it? 4 You said you received knowledge at the beginning of 5 the year. What did you learn? 6 A That I was involved in what we're doing right now. 7 Q And did you know what your involvement was? 8 A No. 9 Q Do you know now? 10 A That I hired him and was in the process of hiring 11 him and he wasn't hired because of a previous 12 lawsuit. 13 Q I want to pull up some documents, please forgive me 14 it might be slow. I usually have multiple screens. 15 16 Can you see my screen, Ms. Brown? 17 A Yes. 18 Q Are you able to read it or do I need to zoom? 19 A No. I can read it. 20 Q Do you know what this is? 21 A This is an offer letter. 22 Q And does it look like the offer letter that Mr. 23 Cadoura received? 24 A Yes. 25 Q And it says, you know, sincerely Belinda Brown. Page 26</p>	<p>1 screen? 2 A Yes. 3 Q Are you able to read it or do I need to zoom? 4 A No. I am able to read it. 5 Q So this is an email from Sean Larkins who you have 6 informed me is the chief of EMS. 7 A Correct. 8 Q And this is to -- who is this to? 9 A Kemia Crosson. She is the employee services 10 consultant. 11 Q And who is Zack Sydney or Sydney Zack? 12 A So Sydney Zack used to be the deputy commissioner, 13 the second deputy commissioner. 14 Q Okay. 15 A Within the fire department. 16 Q So Mr. Larkins tells Kemia that she will be 17 receiving an application for rehire from a Richard 18 Cadoura. Please pull his file and speak to the 19 department prior to making any decisions. Are you 20 aware of this email? 21 A No, I am not. 22 Q Is it common for Mr. Larkins to know that he's 23 going to receive -- 24 25 MR. MCFARLANE: I'm going to object. It calls Page 28</p>
<p>1 Did you personally send this to him? 2 A Yes. 3 Q And it says that this offer is contingent upon your 4 successful completion of a criminal background 5 investigation, driver's license, drug screening, 6 and pre employment medical evaluation. Is it safe 7 for me to say that this occurred after the physical 8 agility test and the oral interview"? 9 A Yes. 10 Q Do you recall if Mr. Cadoura -- I know it says you 11 may accept or decline this offer by responding to 12 this email by the expiration date of Friday, 13 December 22nd, 2017. Do you recall if he accepted 14 or declined? 15 A He did accept. 16 17 MS. BROOKS: I'm going to mark that exhibit as 18 Plaintiff's Exhibit 1, offer letter. 19 20 (Document marked for identification as 21 Plaintiff's Deposition Exhibit Number 1.) 22 23 BY MS. BROOKS: 24 25 Q Share my screen again. Ms. Brown, can you see my Page 27</p>	<p>1 for speculation. 2 3 MS. BROOKS: Okay. 4 5 MS. BROOKS: 6 7 Q You can answer. 8 A I don't know. 9 Q How would he know he was receiving an application 10 from -- 11 12 MR. MCFARLANE: Objection. Calls for 13 speculation. 14 15 BY MS. BROOKS: 16 17 Q If you know, you can answer. 18 A I don't know. 19 Q But he's not involved in the -- he's not involved in 20 the application intake process, is he? 21 A No. Not the application intake process. 22 Q And is it common to pull someone's file prior to 23 making any decisions? 24 A Repeat your question. 25 Page 29</p>


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<p>1 MR. MCFARLANE: Objection. Vague.</p> <p>2</p> <p>3 BY MS. BROOKS:</p> <p>4</p> <p>5 Q Is it common to pull an applicant's file prior to</p> <p>6 making any decisions of hiring?</p> <p>7 A No.</p> <p>8</p> <p>9 MS. BROOKS: I'm going to mark this as</p> <p>10 Plaintiff's Exhibit 2, a February 24th, email.</p> <p>11</p> <p>12 (Document marked for identification as</p> <p>13 Plaintiff's Exhibit Number 2.)</p> <p>14</p> <p>15 THE WITNESS: Can you repeat that last question</p> <p>16 again? I apologize.</p> <p>17</p> <p>18 MS. BROOKS: I don't want to misstate it. I</p> <p>19 don't remember how I worded it, so Ms. Bertin could</p> <p>20 you read that back, please?</p> <p>21</p> <p>22 (Whereupon the question was read back by the</p> <p>23 court reporter.)</p> <p>24</p> <p>25 THE WITNESS: So prior to hiring?</p> <p style="text-align: right;">Page 30</p>	<p>1 Q Were you directed to send this email?</p> <p>2 A After -- yes.</p> <p>3 Q Who directed you to send this email?</p> <p>4 A I don't recall.</p> <p>5</p> <p>6 MS. BROOKS: I'm going to mark this as</p> <p>7 Plaintiff's Exhibit 3, regret letter.</p> <p>8</p> <p>9 (Document marked for identification as</p> <p>10 Plaintiff's Deposition Exhibit Number 3.)</p> <p>11</p> <p>12 BY MS. BROOKS:</p> <p>13</p> <p>14 Q Can you see my screen?</p> <p>15 A Yes.</p> <p>16 Q Do you recognize this?</p> <p>17 A It looks like a text message.</p> <p>18 Q So this first text message is from December 22nd of</p> <p>19 2017. And it says, "Good evening, Ms. Brown. Sorry</p> <p>20 for the inconvenience but I just wanted to check to</p> <p>21 make sure you received my email earlier today. By</p> <p>22 the way, this is Richard Cadoura."</p> <p>23</p> <p>24 Do you recall receiving this text?</p> <p>25 A As of today, no. But I see it was a text submitted.</p> <p style="text-align: right;">Page 32</p>
<p>1</p> <p>2 BY MS. BROOKS:</p> <p>3</p> <p>4 Q Correct.</p> <p>5 A Once we determine that a person was a previous</p> <p>6 employee, it is not common to pull a person's</p> <p>7 personnel file, a previous employee personnel file.</p> <p>8 Q Okay.</p> <p>9 A To see if they are rehireable.</p> <p>10 Q Can you see my screen, Ms. Brown?</p> <p>11 A Yes.</p> <p>12 Q And I know this one looks a little bit different.</p> <p>13 Are you able to read it or do I need to zoom?</p> <p>14 A I'm able to read it.</p> <p>15 Q Okay. And this is -- do you know what this it?</p> <p>16 A Yes.</p> <p>17 Q What is it?</p> <p>18 A It's letting him know that we regret to inform that</p> <p>19 he's no longer considered for employment with the</p> <p>20 City of Detroit EMS division.</p> <p>21 Q And did you send him this?</p> <p>22 A Yes.</p> <p>23 Q Were you directed to send this email? I think it</p> <p>24 was an email. Was it an email or a letter?</p> <p>25 A It's an email.</p> <p style="text-align: right;">Page 31</p>	<p>1 Q And it does say -- can you see my mouse?</p> <p>2 A I do.</p> <p>3 Q So right here it says, Ms. Brown, Detroit HR.</p> <p>4 A Yes.</p> <p>5 Q Is it safe to say that this is you?</p> <p>6</p> <p>7 MR. MCFARLANE: Objection. Calls for</p> <p>8 speculation.</p> <p>9</p> <p>10 MS. BROOKS: You can answer, if you know.</p> <p>11</p> <p>12 MR. MCFARLANE: This isn't her phone. How</p> <p>13 would she know who that is?</p> <p>14</p> <p>15 BY MS. BROOKS:</p> <p>16</p> <p>17 Q Right. If you know.</p> <p>18 A I don't know.</p> <p>19 Q Well, it says here, "I did. Thanks. Merry</p> <p>20 Christmas to you and your family."</p> <p>21</p> <p>22 Do you recall sending that text?</p> <p>23 A No. I do not recall.</p> <p>24 Q Well, down here where it says January 8th, 2018.</p> <p>25 "Good afternoon, Ms. Brown. This is Richard Cadoura</p> <p style="text-align: right;">Page 33</p>

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<p>1 and my physical and drug screen are complete." 2 3 Do you recall receiving that? 4 A I don't. 5 Q Was Mr. Cadoura in contact with you about his 6 physical and drug screen? 7 A I don't recall. 8 Q Do you remember if he was in contact with anyone 9 else during his process of onboarding? 10 A I cannot -- I don't recall. 11 Q Do you know if you were the main point of contact? 12 A I had an assistant who is no longer here. 13 Q Who was your assistant at the time? 14 A Cheremy (ph) Matthews. But I cannot say if she was 15 here at that time. I mean, it was so long ago. I 16 can't say if she was actually, you know, what -- 17 Q You're not aware of what dates she was employed? 18 A No. 19 20 MS. BROOKS: I'm going to mark the last exhibit 21 as Plaintiff's Exhibit 4, text message 1. 22 23 (Document marked for identification as 24 Plaintiff's Deposition Exhibit Number 4.) 25</p> <p style="text-align: right;">Page 34</p>	<p>1 Do you recall sending that? 2 A I do not. 3 4 MS. BROOKS: I'm going to mark this as 5 plaintiff's Exhibit 5, text message 2. 6 7 (Document marked for identification as 8 Plaintiff's Deposition Exhibit Number 5.) 9 10 BY MS. BROOKS: 11 12 Q Ms. Brown? 13 A Yes. 14 Q Prior to receiving Mr. Cadoura's application, were 15 you aware of who he was? 16 A No. 17 18 MS. BROOKS: Can we take like five minutes? 19 You okay with that? 20 21 MR. MCFARLANE: Yes. 22 23 (Brief pause.) 24 25 BY MS. BROOKS:</p> <p style="text-align: right;">Page 36</p>
<p>1 1 BY MS. BROOKS: 2 2 3 3 Q I'm going to share my screen. Can you see my 4 4 screen? 5 5 A Yes, I can. 6 6 Q So this appears to be to the same person; correct? 7 7 Right here. As the last text message. 8 8 A Yes. 9 9 Q So this text message, January 9th, 2018 says, "Good 10 10 afternoon. You are all set. You can put in your 11 11 two weeks notice. The academy starts on Monday, 12 12 nd 13 13 January 22 . Someone will contact you and tell you 14 14 the next step." 15 16 Do you see that? 17 16 A I do. 18 17 Q Do you recall sending that? 19 18 A I do not. 20 19 Q It says, "This is a great day. Thank you so much 21 20 for everything." 22 21 23 And on January 12th, 2018 the text message 24 23 says, "This is Belinda Brown, HR recruiter for the 25 24 City of Detroit. Please give me a call when you are 25 25 available."</p> <p style="text-align: right;">Page 35</p>	<p>1 2 Q Ms. Brown, you said that you pulled Mr. Cadoura's 3 3 personnel file; correct? 4 A Correct. 5 Q Are you able to see my screen? 6 A Yes. 7 Q Does this look like what you saw when you pulled his 8 8 personnel file? 9 A Yes. 10 Q And this says it's a notice of resignation 11 11 evaluation, recommendation for reinstatement. Is 12 12 this the only thing that was in the personnel file? 13 A That's the only thing I received from the personnel 14 14 file. 15 Q And I want to scroll down here where it says, "If 16 16 reinstatement is not recommended, state the reason." 17 17 And it says, "Pending discipline, poor work 18 18 behavior." 19 20 Is that what you read as well? 21 A Yes. 22 Q Do you know what the pending discipline was? 23 A No. 24 Q Did you ever ask to find out? 25 A No.</p> <p style="text-align: right;">Page 37</p>

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<p>1 Q Do you know who knows what the pending discipline 2 is? 3 A I don't know. 4 Q Do you know what the poor work behavior was? 5 A I do not. 6 Q Do you know who knows? 7 A I do not. 8 Q So right here it says, "Reinstatement is governed by 9 Human Resources Rule 15." I'm going to stop right 10 there. Is there like a pamphlet of the Human 11 Resources Rules? 12 A Yes. 13 Q It says, "To be eligible for reinstatement the 14 applicant must have at least one year of prior 15 service and resigned in good standing. Applications 16 for reinstatement will be accepted for a period of 17 between three months and twenty-four months 18 following the last day on the active payroll." 19 20 Okay. It says, good standing. What's the 21 definition of good standing because I'm not -- yeah. 22 What's the definition of good standing? 23 A Because I am a recruiter and not employee services, 24 I could not tell you what their definition would be 25 in regards to good standing.</p> <p style="text-align: right;">Page 38</p>	<p>1 (Document marked for identification as 2 Plaintiff's Deposition Exhibit Number 6.) 3 4 MS. BROOKS: And I believe that that is it for 5 me. 6 7 Do you have any? I'm not sure if you want to 8 go. 9 10 MR. MCFARLANE: I have no questions. 11 12 MS. BROOKS: All right, Ms. Brown. Well, I 13 really appreciate your time. 14 15 (Deposition concluded at 12:15 p.m.) 16 17 --- 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 40</p>
<p>1 Q Would Raquiba be able to speak to that? 2 A Yes. And Kemia Crosson because she is the employee 3 services consultant for the fire department. 4 Q I want to make sure I have this distinction. So 5 Raquiba is the, she's just the head of employee 6 services? 7 A Well, she's the manager. 8 Q For multiple units? 9 A Within employee services. 10 Q And so Kemia is specifically over the fire 11 department? 12 A Correct. 13 Q So are you aware what the Human Resources Rule 15 14 is? 15 A Not offhand. I don't know it. I can't memorize it. 16 I don't know. 17 Q As far as eligibility for reinstatement, do you know 18 what exactly is needed? 19 A No. Because that's employee services. 20 Q So I would need to talk to Kemia? 21 A Correct. 22 23 MS. BROOKS: I'm going to mark this as, I 24 believe, Plaintiff's Exhibit 6, personnel file. 25</p> <p style="text-align: right;">Page 39</p>	<p>1 CERTIFICATE OF NOTARY 2 3 STATE OF MICHIGAN) 4) 5 COUNTY OF OAKLAND) 6 7 I certify that this transcript, consisting 8 of 41 pages, is a complete, true, and correct record of 9 the testimony of BELINDA BROWN, held in this case on 10 Thursday, August 4th, 2022. 11 I also certify that prior to taking this 12 deposition, BELINDA BROWN, was duly sworn to tell the 13 truth. 14 I also certify that I am not a relative or 15 employee of or an attorney for a party; or financially 16 interested in the action. 17 August 10, 2022  18 19 Amy Bertin, CER-3871 20 Notary Public 21 Oakland County, Michigan 22 My Commission Expires: 08-12-24 23 24 signature not requested 25</p> <p style="text-align: right;">Page 41</p>

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EXHIBIT H

From: [Sean Larkins](#)
To: [Kemia Crosson](#)
Cc: [Zack, Sydney](#)
Subject: Employee Rehire
Date: Friday, February 24, 2017 3:41:05 PM

Kemia,

You will be receiving an application for rehire from a Richard Cadoura. Please pull his file and speak to the Department prior to making any decisions.

Thank you.

Chief Sean W. Larkins, Superintendent of EMS
City of Detroit Fire Department
1301 Third Street, Suite 603
Detroit, Michigan 48226
Office: (313) 596-5182
Cell: (313) 300-1355

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